

Aldermen

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

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith



**City of Fayetteville Arkansas
City Council Meeting Minutes
May 1, 2007**

A meeting of the Fayetteville City Council was held on May 1, 2007 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Vice Mayor Jordan called the meeting to order.

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

Mayor Coody was absent.

Pledge of Allegiance

Vice Mayor Jordan: Mayor Coody has gone to Washington D.C. to meet with representatives from several agencies, including the U.S. Environmental Protection Agency, the U.S. Department of Justice, the U.S. Department of Transportation and the U.S. Department of Housing and Urban Development. While he is there he will also meet with representative of the offices of Congressman Boozman and Senator Lincoln. The purpose of the trip is to make every effort to bring more federal dollars home to Fayetteville.

Vice Mayor Jordan: Item #9, the 2007 Citizen Survey has been pulled by Alderman Ferrell is that right?

Alderman Ferrell: Please.

City Attorney Kit Williams: So that is going to be placed on New Business then?

Vice Mayor Jordan: The Walker Park Cell Tower item has been pulled and has been set for June 5th.

City Attorney Kit Williams: We will have to officially table that when we get to it but it is good that the people know so they won't have to wait through the meeting because we are not going to discuss it.

Vice Mayor Jordan: If you are here to talk about that, we will probably table it.

CONSENT:

Approval of the March 20, 2007 and April 3, 2007 City Council meeting minutes.

Approved

Bid #07-30 Heckathorn Construction Co: A resolution approving a construction contract with Heckathorn Construction Co., Inc. in the amount of \$1,290,520.00 for construction of Fire Station #3; and approving a project contingency in the amount of \$170,000.00.

Resolution 74-07 as Recorded in the office of the City Clerk.

Don Spann Architects: A resolution approving Change Order #1 to the contract with Don Spann Architects in the amount of \$70,000.00 for Fire Station #3 Architecture Services.

Resolution 75-07 as Recorded in the office of the City Clerk.

2007 Department of Homeland Security Assistance to Firefighters Grant: A resolution authorizing the Fayetteville Fire Department to apply for a 2007 Department of Homeland Security Assistance to Firefighters Grant in the amount of \$330,770.00 to purchase a Live Fire Mobile Training Unit.

Resolution 76-07 as Recorded in the office of the City Clerk.

TM3, LLC: A resolution authorizing the Mayor to execute a contract with TM3, LLC to haul and dispose of solid waste within the city limits of Fayetteville.

Resolution 77-07 as Recorded in the office of the City Clerk.

TWM Waste Management: A resolution authorizing the Mayor to execute a contract with TWM Waste Management to haul and dispose of solid waste within the city limits of Fayetteville.

Resolution 78-07 as Recorded in the office of the City Clerk.

McClelland Consulting Engineers, Inc: A resolution awarding an engineering contract to McClelland Consulting Engineers, Inc. in the amount of \$71,302.00 to perform a drainage study within the Upper Scull Creek Watershed between College Avenue and Mission Boulevard.

Resolution 79-07 as Recorded in the office of the City Clerk.

Tomlinson Asphalt Company, Inc: A resolution awarding a contract to Tomlinson Asphalt Company, Inc. in the amount of \$187,760.00 for traffic calming construction in the Wilson Park and Washington/Willow Neighborhoods as part of the Transportation Improvement Bond Program; and approving a project contingency in the amount of \$18,776.00.

Resolution 80-07 as Recorded in the office of the City Clerk.

Bid #07-32 Scott Construction Equipment Trench Roller Purchase: A resolution rescinding Resolution 68-07; awarding a portion of bid #07-32 to Scott Construction Equipment for the purchase of one (1) Trench Roller in the amount of \$30,202.18 and to Hertz Equipment for the purchase of one (1) Trailer to haul the trench roller in the amount of \$3,835.96, both for use by the Water & Sewer Division; and approving a budget adjustment in the amount of \$34,400.00.

Resolution 81-07 as Recorded in the office of the City Clerk.

Alderman Gray moved to approve the Consent Agenda as read with Item #9 Citizen Survey removed from the Consent Agenda and placed under New Business. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.

UNFINISHED BUSINESS:

Fayetteville E911 House Numbering: A resolution to change the names of several streets or roads within Fayetteville because of duplicate or confusing street names within annexed areas. *This resolution was tabled at the April 17, 2007 City Council meeting to the May 1, 2007 City Council meeting.*

John Goddard, GIS Coordinator: A task force met last Monday to examine this issue and everyone who attended this meeting felt that there was simply no choice here in this matter as far as changing these addresses. They need to be changed.

John listed each person that attended the meeting. He stated there was total agreement that these addresses need to change. He called Becky Stuart with the ambulance service and she is in favor of having these addresses changed. There is a need for an amendment to change Harmon South to a different name. One of the names that were highly recommended is 85th Street. It is very important for emergency services. Harmon South is a name that could result in some confusion so the committee felt that it was better that that change.

Alderman Ferrell: On Harmon do you want to do both north and south Harmon and make them north 85th and south 85th?

John Goddard: Yes they will change at a certain point following an established line that goes east and west through the city. Harmon Road crosses that area. It's extended from Center Street out west and east. If it was left Harmon there could be some real confusion when somebody calls in.

Alderman Thiel: Harmon South and Harmon Road both need to be changed to 85th Avenue, is that correct?

John Goddard: That's correct. They both need to change.

Fire Chief Tony Johnson: I asked my on duty shift commander to come in to address the Council so you could hear first hand from the people that are responsible for getting to the call for services as quickly as possible. We also have a uniformed police officer as well as

representatives from Central EMS. I think you have to hear it from them as to how important it is to the City of Fayetteville in keeping with the logic that has been adopted so that we can find the right address. First I would like Battalion Chief Kyle Curry to come up and briefly address you.

Kyle Curry, Battalion Chief: It's not a matter of if; it's a matter of when these people will be faced with a mercy need. Right now we are talking about a short term inconvenience and it's important that we look at the long term. Right now we have to deal with two separate addressing systems and in turn it's going to slow us down on our responses. We have a set way that we do it inside the city that we are used to. I would like to speak on behalf of renumbering that area and bringing it up to the rest of the city to help the emergency needs of the citizens out there.

Dominic Swanfield, Police Sergeant: I am here to support the number change as well. We have been speaking amongst our officers as well and they feel the same. In our line of work, seconds count. Currently 40 plus square miles of the city is a four number system. The entire city needs to be that way. Traditionally when officers have been given a five digit number it is automatically reverted back to the County. In an emergency situation people fall back to what they are used to and what they are trained on. I hope you move forward and pass this tonight for our safety as well because in these situations it is critical for our officers to know where we're at.

Becky Stuart, EMS Chief with Central EMS: I'm here to speak on behalf of changing the newly annexed area of the City of Fayetteville to the City of Fayetteville's current addressing scheme. We have a little bit different perspective at Central EMS because we respond to the City of Fayetteville as well as out in the County. It is very important to us to know if it's a four or five digit number. It can take some time to make that determination. The citizens are accustomed to a certain standard of response because our 911 system is based on an addressing scheme that works. That is what we have in place. They don't see the inner workings of it but we depend on that for their sake to get to their home in a timely manner. I would like to encourage you to go ahead and pass this now. If we don't deal with this issue today it's going to come up again in the future.

Alderman Lucas: Would you talk about what we celebrated this morning?

Becky Stuart: Sure, this is related to the 911 emergency medical dispatch. Central EMS was awarded the 110th in the world accredited center through the National Academy's of Emergency Medical Dispatch. So we are #110 in the world and #1 in the State of Arkansas.

Police Chief Greg Tabor: Last week it was a big question with the Council of what do we do with the next subdivision that comes in or the next new house that is built. There is an easy answer to that question, you convert these numbers to our grid and make one system and then there is no question on what you do with a new subdivision or new houses being built in that area. I don't think we should be willing to take that risk that it's going to take long enough more that it's going to make a difference in somebody's safety or their well-being.

Paul Becker, Finance and Internal Services Director: One of the other issues we discussed at the last Council meeting was a question of the cost. This is a unique situation; certain residents have embedded numbers in their brick or concrete work. We looked for a potential solution and found that at Home Depot and a couple of places on line you can get plaques that could cover these embedded numbers. I have an amendment for your consideration which would allow us to

reimburse residents up to \$50 to help mitigate the costs to the area. We are also asking for a budget adjustment of \$8,000 which I feel should handle these costs.

Alderman Lucas: I appreciate you doing this. I think this is very important for us to change the names and numbers. I was down at Central EMS this morning and all the drivers were telling me how important it was that we get our grid and keep it the way that it is both in the city and the county. As other cities have annexed, they have changed the addresses and I think this is something that we need to do.

Alderman Lucas moved to amend the name of Harmon Road to 85th Avenue. Alderman Thiel seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams: I made two other changes on this resolution. The original Section 2 said it would be effective on May 1st so this Section 2 says that it rennumbers all the recently annexed addresses to conform with the established city grid. Section 3 is the one that talks about the cost. I thought it was \$8,500 but you want it to be \$8,000 now for the budget adjustment? That would need to be changed to \$8,000 instead of \$8,500.

Vice Mayor Jordan: So the second amendment would be Section 2 and 3 added to the resolution.

City Attorney Kit Williams: Correct. Repealing the original Section 2 and substituting the new Section 2 and 3.

Vice Mayor Jordan: And Section 3 would be the \$8,000?

City Attorney Kit Williams: Yes, and with reimbursement not to exceed \$50 per house.

John Goddard: I want to make one comment about the timing on this that we need to establish a date that this occurs.

City Attorney Kit Williams: That would be tonight unless you don't want it tonight.

John Goddard: No, I don't want it tonight. We need to communicate with the post office and the emergency services, telephone companies and there are other people we need to communicate with.

City Attorney Kit Williams: You need to give us a date.

John Goddard: May 21st.

Shirley Lucas: We don't need it sooner than that John?

John Goddard: Well, it's going to take a little time to make sure that happens. It's going to take a couple of weeks. The Post Office told me they needed at least two weeks.

Alderman Lucas moved to amend Section 2 and Section 3, and to change the effective date of the address changes to May 21, 2007 and approve a Budget Adjustment in the amount of \$80,000 for the purchase of address plaques.

Glynis Rare, resident of the new annexed area: It looks like we have no choice; we are going to have to change our address. If that is for the safety of our citizens then I'm not going to complain. I will say we have had excellent service and still our first response is from the Wedington Fire Department and not Fayetteville. I am concerned that if we change our address the first response is not going to know where we are. I spoke with them and they said they would figure it out. I say that \$50 is not enough. It's going to cost me \$50 in postage just to send out all the change of addresses. Not including the \$300 block that we have set in our homes or the mason's cost to come out and chip that out. If we don't make the proper notification to everybody, our insurance might say that we have a vacant house. It's not just a simple change. I have to change everything about my life. \$50 is not enough. I would ask you to reconsider the amount. Personally the plaque is fine for me. But for my neighbors who went to the expense of putting a \$1,000 block in their home or mailbox, \$50 isn't enough. Everything has changed for us and you are going to give us \$50? I just feel that is not acceptable. Could that be brought on an individual basis for my neighbors to change that?

Alderman Allen: I am very sympathetic to this neighborhood, but when you think about \$50 I don't think that anyone would think that their life was worth only \$50. This is something that I don't see we have any choice but to do.

Alderman Ferrell: I also am sympathetic to the people but I had some mixed feelings about this until I got a memo from John Gipson, who helped set up the 911 emergency system. John, don't you live out there?

John Gipson: I now live on 85th Avenue.

Alderman Ferrell: That made my mind up so I will certainly vote in favor of it.

City Attorney Kit Williams clarified the street names that were changed at the last meeting.

Upon roll call the motion to amendment the resolution passed unanimously.

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

Resolution 82-07 as Recorded in the office of the City Clerk.

RZN 07-2504 (Sloan/Cobblestone): An ordinance rezoning that property described in rezoning petition RZN 07-2504, for approximately 17.22 acres, located south of Salem Road and east of Crystal Springs Subdivision in the interior of the Cobblestone Subdivision from RSF-4, Residential Single-Family, 4 units per acre, to RSF-8, Residential Single-Family, 8 units per acre. *This ordinance was left on the Second Reading at the April 17, 2007 City Council meeting.*

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

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Current Planning stated we have not had any public comment on this request. Staff is recommending approval of this rezoning.

Alderman Lucas: The way out of this development is right in the middle, is that it?

Jeremy Pate: They will have stub outs in all directions but the existing infrastructure that will serve is primarily to the west. The full cost to the traffic signal at Salem Road and Mt. Comfort was assessed to this development. At the time of final plat they will be contributing to the full cost of that signal. That was a part of their off-site street improvements for this project. Until the time that street is extended, that is when it will connect to Deane Solomon.

Alderman Lucas: I have not had any calls against it. It concerns me that eventually it will be put on Dean Solomon Road which is a very small road. This is a very good development for the area. I support it.

Alderman Thiel: I do support it however it is based on the alderman from that Ward supporting it after reviewing the concept of affordable housing on the smaller lots. To me RSF-8 is too dense this far out with the traffic issues you have there. I hope it does provide some affordable housing and it looks okay.

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

Ordinance 5010 as Recorded in the Office of the City Clerk.

Roll Off Service, Inc: A resolution denying renewal of the contract with Roll Off Service, Inc. to haul and dispose of solid waste within the city limits of Fayetteville. *This resolution was tabled at the April 17, 2007 City Council meeting to the May 1, 2007 City Council meeting.*

Gary Dumas, Director of Operations: I believe you received some additional information from me last week. There were several past issues that we are dealing with but the objective was to get everyone in compliance with the contract or the agreement the city has with the various waste haulers in town. Some of the issues that were of concern were the continual late payments and a perception that there had been some underpayment. They invited us to do an audit from the last year from April 2006 to April 2007 to see if what had been paid during that time frame was consistent with what their records indicated. We conducted that audit last week and found no discrepancies and so I think there is some reasonable assurance that there is not a problem with under payment. In order to address the issue of the late payments, along with the rather severe penalties, Roll Off has agreed to this agreement. With this agreement I would recommend approval and we will come back to the Council in 90 days. If there have been no problems during that time we will consider a longer agreement.

Alderman Lucas: How is this going to affect the others that are hauling in Fayetteville and also there was a question about whether we had the right number of boxes in the city.

Gary Dumas: If you think there is an issue, we do audits on those. I don't think this affects the other haulers in any way. Perhaps it will make them more aware that they should be complying

with the requirements of the agreement. I don't think anyone wants to go through this. With the audit the city has a fairly good inventory of the containers that the other haulers have located around the community. We took that list and compared that with the inventory placements that Roll Off has in their database now and we found no discrepancies. I don't think that is an issue at this time.

Alderman Lucas: They have to give you the number each month?

Gary Dumas: Yes, they give a blind list of how many containers there are. They don't give us addresses because they probably think we might want to steal their account.

Alderman Lucas: Mr. Smith is going to do that for you now?

Gary Dumas: Yes that is one of the requirements of the current agreement.

Tom Smith a representative of Roll Off passed out copies of the audit report. He stated I highlighted an area that may address what was portrayed in the last couple of weeks and what was discussed. It was really the city's opinion to take the audit portion at hand and do a multiple on what we had mispaid.

Tom went on to discuss the audit report. He stated I thought we were friendly to the auditor and I did not ask him to leave last time. We gave the auditor this time, he was very cordial and we gave him all the information they asked for.

Alderman Allen: I am just curious as to how many complaints there had been about this company in the last year?

Tom Smith: I haven't got any complaints. I have received two letters from the City of Fayetteville on the late payments. The only correspondence I have had was with Mr. Dumas and I have copies of the two letters on late payments in the last year.

Gary Dumas: The only issue in your packets is concerning late payments. We have not had any customer complaints.

Alderman Ferrell: The way this is proposed right now the ninety days and the language that is in there, you are okay with that?

Tom Smith: Yes I am. It's always been our opinion that the City of Fayetteville has had the opportunity or right to come and audit our books as they did a couple of years ago. We don't have anything to hide.

Alderman Ferrell: My question wasn't to be critical. It was just to say to move forward.

Tom Smith: I'm in.

Alderman Thiel: Do you confirm everything that has been said?

Gary Dumas: Yes.

Alderman Thiel: Staff is recommending that we do this contract?

Gary Dumas: Yes.

Alderman Thiel: The Solid Waste staff?

Gary Dumas: Solid Waste works for me.

City Attorney Kit Williams: I recommend this also. I thought that probably rather than having big penalties it was better to have a trial program to try to make sure that in fact everything was going to work. If everything works at that point in time we will be back in front of you with a longer contract.

Vice Mayor Jordan: Do we need to put an amendment on this?

City Attorney Kit Williams: The new resolution would authorize the Mayor to execute the contract. The resolution doesn't say three months. The contract says three months.

Alderman Rhoads moved to amend the resolution to state this contract will be for a period of three months. Alderman Ferrell seconded the motion. Upon roll call the motion passed unanimously.

Alderman Thiel: I am not sure whether I am going to support this or not. We have twelve carriers now and two of them passed on our consent agenda. I feel like this is sending a bad message to new and existing carriers. I don't know how many times we have had Roll Off in front of us about one thing or another. I feel it is unfair to the other carriers that we continue to make these exceptions. I've not fully decided yet.

Alderman Ferrell: We have a recommendation from our City Attorney and from staff to move forward. I think this resolution has pretty good sideboards on both sides of it to move forward and I will support it.

Alderman Ferrell moved to approve the resolution. Alderman Rhoads seconded the motion. Upon roll call the resolution passed 5-3. Alderman Gray, Rhoads, Ferrell, Lucas and Jordan voting yes. Alderman Thiel, Cook and Allen voting no.

Resolution 83-07 as Recorded in the office of the City Clerk.

The Links at Fayetteville Appeal: An ordinance establishing a Residential Planned Zoning District titled R-PZD 07-2452, The Links at Fayetteville, located at the northeast corner of Wedington and Ruppel Road; containing approximately 152.23 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 April 17, 2007 City Council meeting.***

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

City Attorney Kit Williams read the ordinance.

Jeremy Pate: I passed out some graphics that were passed out last night at the Ward 4 Meeting. They do have a revision with this particular proposal and that is to add a public street. At the last meeting two weeks ago staff made a presentation and because it was late the City Council opted to have the applicant make their presentation tonight so hopefully they are prepared to make a presentation to you as a full Council.

Jerry Kelso, Engineer of the project gave a presentation. He went through the process of where they started from and where they are at today. He stated we think we have a superior plan. We have worked very hard on this. We feel that if the two Planning Commissioners that couldn't vote had been able to vote we could have successfully had a recommendation to the City Council.

Alderman Allen clarified that James Graves was absent from the Planning Commission meeting that night.

Jerry Kelso: He recommended for approval at the second Planning Commission meeting. I don't know if he would have voted for it but I think he would've and so we feel pretty positive that we had several folks that think this is a very good project.

Kim Fugitt, Project Architect stated the purpose of Jerry going through that is to say that we have taken all of the recommendations that have been given to us by staff and the Planning Commission and tried to incorporate those into the plan in some way shape or form. We feel like we've had a cooperative nature and an open mind to changing the original plans and providing staff and Planning Commission what they have desired. Obviously we are a little short not having staff's approval at this point. He went on to explain the plan that they had for the project. He stated the primary reason for the traffic differences. Wellspring had almost 20,000 vehicle trips per day and the Links project has about 14,000 trips per day.

Alderman Thiel: Could you repeat why that is different?

Kim Fugitt: If you look at the commercial square footage Wellspring had 548,000 square feet and the Links only has 121,000 square feet and that makes a big difference in the traffic that will be generated by the proposal. Wellspring had 40 acres of greenspace parkland and tree preservation and we are offering 103 acres. There are 49 acres in golf and 56 acres in tree preservation and park dedication. Staff has agreed that the zoning that we are proposing is compatible with the Future Land Use Plan.

He went on to give a presentation on their plans for the project.

Alderman Lucas: What are you not going to develop right now?

Kim Fugitt: These are commercial areas here and typically we don't develop the commercial property. Those will be outlots that might be developed by other franchise organizations or business organizations like that. We don't have a specific tenant or user for those commercial sites right now.

Alderman Rhoads: Are the outlots taken in consideration when you do your vehicle trips?

Kim Fugitt: Yes sir.

Alderman Thiel: When we look at the public park land and the golf course, how are you going to separate that?

Kim Fugitt: With a six foot rod iron fence. The reason for that is a safety feature.

Alderman Thiel: In the history of it at the very beginning you mention more commercial on Ruppel Road. I am a little confused that staff or someone recommended against that because that in a way was a selling point for Wellspring because it did have more commercial which made it more of this traditional neighborhood design. Did you say the Planning staff or Planning Commission?

Kim Fugitt: First, staff recommended that we remove the commercial and put mixed use, then the Planning Commissioners suggested that there should be some commercial there and so now we came down to a middle ground where we could have half commercial and half residential.

He went on to speak on the evolution of the plan and explained how they have made great attempts to work with staff's recommendations.

Alderman Allen: I wondered if attainable housing is interspersed throughout the project.

Kim Fugitt: Yes Ma'am, obviously the single family homes would be for sale. We believe the row houses are suitable or are very adaptable to be owner occupied. The Town Center units are both one and two bedroom. It gives us a lot of variety in the type of units that we could offer for sale.

Alderman Allen: Are some of them detached?

Kim Fugitt: The single families are detached. They are probably going to be in the upper end of the attainable range as opposed to the lower.

Alderman Allen: So that would be the \$120,000 or more?

Kim Fugitt: Yes Ma'am. In offering a product under \$100,000, they have access to a golf course, a club house with a fitness center, swimming pool, tanning facilities, work out room, and business centers, the value goes far above that 1,000 square foot owner occupied space.

Alderman Ferrell: What kind of time frame are you looking at on the build out?

Kim Fugitt: Phase I is 600 units and it would be the south half of the property. We would begin Phase I immediately. In Phase I we would build all the public streets associated with Phase I as well as the golf course, the park land dedication and Ruppel Road from Wedington to the entrance.

Alderman Ferrell: Would you give an estimate on how long that would take?

Kim Fugitt: A strong year.

Alderman Thiel: I wanted to follow up on your owner occupied concept. Is that a part of the conditions of approval?

Jeremy Pate: It is. I did want to bring up at this point in time the book that you have in front of you still states that the owner will own all the Links at Fayetteville and take responsibility for maintaining the Links at Fayetteville. That was discussed at the Planning Commission to consider but it has not ever been incorporated in any of the commitments and discussion here in terms of this booklet. I also wanted to bring up that a lot of people have been discussing attainable housing and I want you to keep in mind that the city defined it very differently when they adopted City Plan 2025. Not a percentage of the median house price in Fayetteville but a percentage of the median income which does not translate the numbers that you are seeing on the screen. I just wanted to make sure that you are aware that that is not really the way it was defined by you as a Council when you adopted the 6th goal in the City Plan 2025 of attainable housing.

Alderman Thiel: If I understood, you weren't saying that this would be attainable or affordable housing; just that there would be a certain amount of owner occupied housing guaranteed.

Kim Fugitt: That's correct but as far as a price guarantee, is that what you are asking?

Alderman Thiel: Well, it's basically \$100 per square foot, is that correct?

Kim Fugitt: Right, and with a variety of plans that could range anywhere from a \$90,000 unit to a \$120,000 unit on a flat. Then of course single family homes would be above that. What is the definition of attainable; our understanding was based on median household price.

Tim Conklin: The definition is 80% to 120% of median household income. Typically when you look at affordability you look at how much of your income can be used to pay your mortgage. Typically a maximum of up to 30% depending on your debt obligations that determines how much you can afford, anywhere from \$105,000 to \$145,000.

Kim Fugitt: 100% of median household income?

Tim Conklin: Typically if you are spending more than 30% of your income for housing, you have issues with regard to being able to provide other basic needs.

Kim Fugitt: The definition is 80% to 100% of median household income.

Tim Conklin: 80% to 120% as we defined it.

Vice Mayor Jordan: Do we need to get into this tonight.

Tim Conklin: I don't think so. I would be more than happy to present it at agenda session.

Vice Mayor Jordan: Yeah, let's stay on target here.

Alderman Gray: I believe he did say 30% would be affordable or attainable. Is that right?

Kim Fugitt: We said that 30% would be available for sale to owner occupy. Obviously our definition of attainable was incorrect and there is still some question as to what that really means so we will probably need to revisit that.

Vice Mayor Jordan: That is something that I have talked to the staff about and next month we will probably start defining that.

Tim Conklin: We have it on your agenda.

Alderman Lucas: Mr. Fugitt, last night you said 30% would be up for sale if it will sell.

Jim Lindsey: We are going to sell 200 of these units. We don't know if they will sell or not but we are going to put them on the market. I had them look and there was one house below \$127,500 in the multi-list book. We put 200 units in there that would be very competitive in that level.

Alderman Thiel: And you are guaranteeing that 30% of those will be owner occupied and not bought by somebody just to rent them out.

Jim Lindsey: I can't guarantee that part because when you do a fairhousing process, somebody buys it and wants to rent it, I'd be hamstrung on that. We would make them available for sale to the market in general and we would hope that it would be owner occupied people who would live there.

Alderman Thiel: Okay, so you're not doing the 30% that you mentioned.

Jim Lindsey: I am doing 30% available to the marketplace.

Alderman Ferrell: It sounds to me like Mr. Lindsay is saying that the fairhousing deal won't allow him to do that.

Jim Lindsey: It won't allow me to guarantee somebody that if they moved to Chicago that they can't rent their house. You can't keep somebody anywhere in town from that, if you move somewhere and you would want to rent your house or have some income from it. We couldn't keep that from happening.

Alderman Thiel: You can do that with condominiums. That is set up in the POA that they cannot be rented.

Jim Lindsey: There are some places where they are not renter friendly. I know of some down in Alabama and other places that they don't want you to rent them. Generally speaking, I don't think that would be realistic because any house in Fayetteville that anybody here owns, you can rent your house. We couldn't guarantee that somebody wasn't going to rent that house. I couldn't make the covenants that restrictive, I don't think. I believe it would be unconstitutional to tell somebody you can't rent your house. I would like for Hugh Jarratt to show you what the impact of this is economically to the city. The bottom line of this is that 40 years ago was my first visit down here to this very room. I can't say anything but wonderful things of how I've been treated in this town and how good it has been for me. I can't describe it any better than that. I will tell you all this, if you say turn this down, or turn down other projects, the people who have units in town their rent is going up. So this is a good chance with a good project to continue having affordable, attainable housing for the person who wants to both buy and rent. That would be my last point.

Alderman Allen: I received an email with a question "what percentage of your apartments that you have now are currently occupied.

Jim Lindsey: That is an amazing thing and I wouldn't want to be in a braggadocios mode but we have 27,000 apartments in 9 states in 32 towns and for the last 20 months, we have been over 100% collected. That is not 100% occupied, that's 100% collected if you take late charges and what all we charge. Here in Fayetteville, I looked at it at the end of the month and we have approximately 5,000 units in an area of town and we were like 2% of physical vacancy, which meant if you can stay under 2% fiscal vacancy, you should to be 100% collected with money. One of the things we have been able to do is be affordable because we don't raise rents crazy. We might raise rents \$10 every 2 years or something. People that have come in new and built their prices are so much higher than ours that we have a strategic advantage. We won't have as much strategic advantage here but we do overall. That's the gospel. I'll send you the daily report if you want to see it.

Alderman Ferrell: How many of these golf course type complexes have you built?

Jim Lindsey: We have built a total of 42, that are either an 18 hole or 9 hole course. I don't guess we have a project that doesn't have a lake, pond, or fountain and water. So all of that has been a very positive part of what we've been able to do. When I came here to Fayetteville we had an issue and parks were pushed real strong and then they pushed green space. I was all in the middle of that and I was totally for it and still am. We took that and made that our model and we took that all over Mid-America here. We've never been turned down at a Planning Commission anywhere, never. We have never been turned down by a City Council or Planning Commission in all these towns we went to. Why, because we brought the greenspace to the table. We brought all of the tree preservation because we thought it was important. We met with the neighbors before it ever started. We met with Mr. Jordan last night and Ms. Lucas and the neighbors again, but we had already met with those neighbors, not the ward, but the adjoining neighbors. We took what I call the Fayetteville plan and we took it all over everywhere. In Tuscaloosa, Alabama, Oxford, Mississippi, and I'm not saying this for any reason other than to say the greenspace concept that came out of what was here in Fayetteville was a winner for us everywhere.

Hugh Jarratt: Mr. Lindsey wanted me to hit real quick on the economic impact that this project would have on the town here. We had the Center for Business and Economic Research at the University of Arkansas run the numbers. We gave them all our figures and they came up with these numbers that you have here. When it's fully built out the total economic impact is going to be \$125,000,000 to the City of Fayetteville. That is \$80,000,000 for our direct cost, what that is is the cost that we pay employees to build it, the construction workers, and actual materials that go into it. The actual physical cost is going to be \$80,000,000. On top of that, the indirect cost is \$45,000,000. That is extra employees that people have to bring on to service the 1,600 construction workers. All the employees that are going to have to be ramped up to come in and do this project are going to generate another \$45,000,000 on top of the direct investment that we are going to put here into town. The total tax impact is going to be nearly \$14,000,000 and that's just lump sum money that will come in because of this project. The annual property taxes will be \$720,000 per year, every year. \$600,000 of that is going to go to the schools. The City of Fayetteville's take on that is going to be about \$55,000 every year. However on sales tax, we are going to generate a total of \$170,000 per year economic impact into the city.

He went on to describe how you get those numbers. He stated we also got the estimated fees to the City of Fayetteville and that works out to \$2.6 million dollars that is paid directly to the City of Fayetteville. There is no sharing that money that is yours. He went on to discuss the benefits this project would bring to the city.

Vice Mayor Jordan: I would like to hear from staff at this point in time. Jeremy, why do you all not support this and what would it take for you all to support this?

Jeremy Pate: A couple of issues I would like to bring up in answering that question. I want to correct something that Mr. Kelso mentioned on page 7; they do offer the 30% of sale for the project for at least offering for sale on the market. I did want to correct that and that would likely need to be a condition of approval. A couple of the issues I would like to address, the commercial incorporated into Wellspring and how that worked out; the plans that we say initially were strip center commercial which the Council has expressly said it does not want to see more of especially in the planned zoning districts. That was a concern that we noted in our comments through this process. It was also directly adjacent across from Ruppel Road from a single family development that has just been approved. What we looked at in one Phase was a multi-family development, a mixed use type development that you see at Southern View that is under construction. At one point at the Planning Commission meeting as Mr. Fugitt mentioned that got translated to a more of commercial use directly across from C-1 which the Council recently approved as a policy decision to zone directly across the street as C-1 with a bill of assurance. The north line on the commercial directly matches the C-1 across the street, so that's how that commercial relates to Ruppel Road. It's really hard to discuss the design standards that Mr. Fugitt mentioned because we are just in the draft stages of that and this Council hasn't even seen any of those. So we're probably not going to address much of that. With regard to the infill comment, we've been discussing that a lot, I probably disagree a little bit with even our initial staff report on defining that as infill development and we have had a lot of staff discussion about what that means to us and to the Council. I promised you a memo and we are still working on getting something to you to have that discussion. I still think in the majority of west Fayetteville we're still seeing greenfill development as opposed to infill development. It doesn't mean it can't be done correctly because we'll still see development in areas that have not been developed before. I think there is a proper way to do it and I think the Council in adopting the six goals of the Future Land Use Plan made some positive decisions in trying to reach those goals. Ultimately that's why we have not been able to recommend approval of this project thus far.

He went on to give comparisons to other neighborhoods. He stated Mr. Lindsey and his team have worked hard with staff to try to find some common ground. In terms of staff recommendation I simply don't think it's quite there yet. That's part of Goal #3 of our City Plan 2025 Future Land Use Map is to make traditional town form norm. Those are a lot of the concerns that staff has cited throughout this project and I think Mr. Fugitt hit it right on, he noted in the first sketch plan that he put up on the screen the exact comments that we are stating now. I think we have been consistent in those comments throughout this project.

Alderman Ferrell: Jeremy, wouldn't you say bearing in mind your remarks about commercial, generally speaking the more square footage you have as opposed to residential that the more traffic it generates?

Jeremy Pate: It will generate more traffic. That is evidence by the traffic numbers, in general though a residential use generates more traffic than commercial use if you look at the actual

traffic numbers. A single family development generates up to roughly 10 units about 10 trips per day. Multi-family usually generates less than that. I'm not a traffic engineer so I would have to leave some of those questions up to the professionals.

Alderman Ferrell: Did you say that the residential can cause more traffic than commercial?

Jeremy Pate: I believe so. If you want, Mr. Peters can address that.

Marty Peters, Peters and Associates Engineers: Clearly this development because of the reduction in commercial space generates less traffic than what the Wellspring project did. Ordinarily commercial will not be open during the AM peak hours so it normally doesn't contribute much if any to the AM peak hour but it is open during the PM peak hour. Residential traffic whether it's multi-family or single family detached, generates their peak times during both the AM and the PM during those home to work trip times. On an equal basis commercial space normally generates about 35 vehicle trips per 24 hours per 1,000 square feet of commercial space. If you consider the 1,000 apartment units in this development which will generate about 6,700 vehicle trips per day, that is about 6.7 trips per 1,000 square feet. On an equal basis residential generates considerably less traffic than commercial, but it does generate it in both during the AM and PM peak hour.

Alderman Thiel: When Jeremy mentioned infill, I am glad that you are going to define that a little better because I looked back at the Sloan Cobblestone project at 8-units per acre that we just approved that was recommended by staff and it's on the very outskirts. It has just been annexed. Then I look at this which has been in the city for some time.

Jeremy Pate: About 1 ½ years or 2 years.

Alderman Thiel: That's not infill even though it's 8-units per acre. I am trying to ascertain what you are referring to as infill.

Jeremy Pate: If you look at a lot the goals in our City Plan 2025, which probably warrants a discussion in itself absent this project, but I think the infill discussion verses encouraging growth and growth sectors, I think some of those have been merged in those conversations. Our #1 and #2 goal is encouraging infill development and revitalization of our infill areas. The second goal is discourage suburban sprawl. I think there will always be a market for suburban growth. It doesn't have to necessarily be in a sprawl pattern. I think some of these areas that we will see will still be greenfill development however they can be done in a manner that will be sustainable in that there is adequate infrastructure that is supported so that we don't find ourselves with an inadequate infrastructure to handle some of the development patterns that were seen. I think you are exactly right, it warrants a better definition.

Vice Mayor Jordan: I don't disagree with that Brenda. As a matter of fact certain events have transpired here so that I will be looking a little closer at the areas on the fringes of the city myself.

Alderman Allen: Following along with the infill and sprawl, it almost makes you wonder with a project this dense on the edge of the city if we aren't going against our #1 and #2 goals of the city and virtually creating a little bitty new Greenland or Elkins. That is a concern that I have. It almost creates a new town.

Jeremy Pate: That's why I gave you numbers to compare neighborhoods. It certainly does create a large impact and I think the size of the development and the sheer number dwelling units and potential residents in the area will certainly create an economic impact as duly noted here. It would also create an impact on existing infrastructure in the area. That is certainly a valid comment. I would not want to however discourage master plans because this could also be just chopped up into forty smaller developments that we would just see on a ten acre parcel. There is something to be said about looking at this in context of an overall master plan and understanding how that works. I know the Council and commission have expressed frustration with seeing a project that doesn't have that master plan behind it. We still want to encourage those types of developments but in a sustainable way.

Alderman Lucas: One of my constituents asked, in the Wellspring Development, New Bridge Road had a road that crossed Ruppel and she was asking why that wasn't done with this development.

Jeremy Pate: New Bridge Road the Master Street Plan shows it ending at the west side of Ruppel so it didn't go across the Wellspring project. It would intersect at the northern portion of this site. It does not come across this property.

Alderman Lucas: This is going to be done in phases and only half of Ruppel is going to be done at this time. When will the other half be done, or is it guaranteed to be done. What if we do the first phase and then they decide they don't want to do the second phase. What happens then?

Jeremy Pate: In terms of a recommendation on timing of the development, this is a master plan type of project so it's a zoning land use approval only. We would have to look at the actual development and the number of units that are proposed with the Planning Commission to determine the amount of improvement that would be necessary. If the north half never happened then that traffic demand wouldn't necessarily require that to be improved because it was never developed. So that's how we would have to look at that and base those recommendations on phasing out.

Alderman Lucas: It is my understanding that half of Ruppel Road would be developed with this first phase. Is that correct?

Jeremy Pate: In the commitments that Mr. Lindsey and his team have prepared for you in a statement of commitments, they have stated that they are committed to constructing Ruppel Road.

Jim Lindsey: We have made that commitment to do that half. We will do the east half of Ruppel Road as part of this. We were told with the new urban design that density is not the issue. In fact the more density you could get, if you could figure it out they would be for it. That was not any restriction that was placed on us as we attempted to agree with the city.

Alderman Allen: I understand that, I think we just all need a better definition of infill. That's something that would be helpful to me.

Andy Jetkins, resident on Wedington stated this is a beautiful project and I think it's great. He stated as a citizen of Fayetteville I can see no downside. He went on to speak in favor of the project.

Ross Odom, owner of two companies that do business with Mr. Lindsey stated I have been at a number of projects that Mr. Lindsey has built throughout the three state area and I have yet to see one that's had a negative impact anywhere. He stated this is an awesome project. He stated after all has been said and done you need to consider the impact that this project will have on people. If you would approve this on the fact that there are literally thousands of people involved with Mr. Lindsey, and what he does has a profound impact on our very lives day to day. They have gone above and beyond on this project and it should be approved.

Bob Page, resident of Ruppel Road stated I live directly across the street and it looks like I am going to be the only house left that is not going to be torn down for a development. My biggest concern is the traffic impact. He asked if the four lanes would be able to sustain this project and the other developments. He went on to express his concerns about the project.

Steve Warden, with Fayetteville Mechanical Contractor stated he wanted the local people to do the work for this project. He went on to speak in favor of this project. He stated his company would be greatly impacted if this project goes forward. The employees will be greater impacted if it does not.

James Ball, Owner of JR Ball Contracting Group stated I know it is no surprise that the construction industry has suffered very greatly recently with the almost stopping of residential building. He thanked the Council for all they have done for Fayetteville and he stated it makes me proud. I would encourage you to look at this and pass it.

Don Staley, Owner of Westark Steel asked why in the world would you not want this project there. Tax dollars is what pays for these streets and lights but those tax dollars have to come from somebody. Even when Mr. Lindsey is not in this area he is using local employees and that is supporting your area and all those dollars. They never would get back to Arkansas if he didn't use subcontractors in this area even though he is working out of state. Growth has to go on and I think you would be making a very big mistake not to pass this.

Charles Sloan, Ward 4 resident and a developer stated I think it's a great project. I know this does cause some traffic problems but we have Mt. Comfort Road that is being built and Wedington is being widened. I feel like this is a great opportunity to have Ruppel Road built. I definitely support this and I think it has evolved into something that is really a great project.

J.B. Hayes, a developer stated I have been really impressed and I think we should welcome this type of investment opportunity for the city. He stated this would be a big improvement on our city streets and the tax base.

Jim Bemis, resident of Ward 4 stated I live two blocks from this place and I am going to be one of the 14,000 people that will be driving Ruppel, but there are a whole bunch of other folks that we are not taking into account tonight. He went on to express his concerns on the traffic issues this project could bring. He stated think about what's going to happen in the next four or five years. There are no plans on Ruppel that can be verified.

Alderman Thiel: You did support Wellspring and yet it was projected to have more vehicle trips than this project does.

Jim Bemis: My understanding from Wellspring was that there would be development of that road by Mr. Nock. We don't know what is going to happen on Ruppel. It was much more of a town form as I understood.

Richard Ramiro, a Certified Landscape Architect and Site Planner stated, I have no connection with Mr. Lindsey and I am in favor of this development. I have seen a lot of development in my life and this is an excellent proposal. He went on to express his concerns about the city's ability to be flexible with this new urbanism.

Jim Lindsey: I just wanted to make it clear to everybody that we did have confusion last night but the east side of the south side of Ruppel it will be built and we will put that in the agreement however it needs to be done. Some other people misunderstood that and I didn't make myself clear so I just wanted to let you know it will be built with the first phase.

Alderman Jordan: To the end of the first phase though.

Jim Lindsey: No it will be built all the way through.

Alderman Jordan: The three quarters of a mile?

Jim Lindsey: Yes, we will do that. We had made the promise to do that. I think Kim had made that with staff at some point and so if we made that promise or if Kim makes a promise or statement that is good enough for me. We will build that.

Alderman Allen: I would like to hear from the Ward 4 Alderman about their meeting last night and their reaction to the project.

Alderman Lucas: The meeting last night was very good, some of the same questions were asked last night that have been asked tonight and some of the same statements. This is a difficult decision because there are a lot of testimonial accolades for Mr. Lindsey and I couldn't agree more. He is an excellent developer, he does projects and when he says he is going to do a project it is completed and there is no delay. He has done lots of good things for Fayetteville and I appreciate that. I am concerned about all these people that rely on him for their jobs. I guess on the other side the traffic concerns me. I feel like traffic safety is very important, we have no way as far as I know to complete Ruppel Road to Mt. Comfort and if anyone has ever driven out there you know that the intersection with Ruppel and Mt. Comfort is like a country road. School busses go there and if we are putting 14,000 more trips a day on it that concerns me. The staff talks about neighborhoods, I have been to a neighborhood that is on a golf course in Maumelle and the lots are small but it looks like a neighborhood even though the golf course winds all around it and through it. It seems to me that this can be done. This is a big project, and that is a small town when you think about it. I think it's important that we have the infrastructure to support it. I appreciate the fact that Mr. Lindsey is going to develop half of Ruppel Road to the end of the project but what happens north of that all the way up to Mt. Comfort Road. I don't know that the city has any way of funding that at this point. I think it's wonderful that his apartments are so full but I live in Ward 4. I don't know that there is an apartment complex there

that does not have a for rent or lease sign out in front of it. That is my dilemma. Does that answer your question?

Alderman Allen: Somewhat, would you have anything that you could add to that Mr. Vice Mayor.

Vice Mayor Jordan: In the Ward 4 meeting last night it was a good presentation and we had good discussion on it. Today I received several phone calls and emails that weren't very supportive of the project. My concern is infrastructure of the city. That road has always concerned me and I know the price of that road is \$8,000,000 to complete that road. Another thing that concerns me is 80% of that is going to be apartments, is that true Jeremy?

Alderman Lucas: 1,185 apartments, isn't that right?

Vice Mayor Jordan: You had a little chart that shows it and I don't have that in front of me.

Alderman Lucas: 1,185.

Vice Mayor Jordan: So that's about 80%?

Jeremy Pate: There are 80% apartments, 9% mixed-use, 6% town homes and 6% single family.

Vice Mayor Jordan: Okay, and the other one was about 40% residential, was it not?

Jeremy Pate: It was 43% apartments, 19% mixed-use, 26% town homes, and 13% single family.

Vice Mayor Jordan: I know that our staff does not support this because it doesn't go with our 2025 Plan on town form. Another thing is the Planning Commission denied it. I know the vote was 3-3, but if the vote had been 4-3 would that have passed?

City Attorney Kit Williams: No, just like here it takes five affirmative votes to pass.

Vice Mayor Jordan: Those are my concerns about it. I know it will bring in substantial tax base and I think that it has less trips than what Wellspring did. I think that is a plus too. Those are my concerns and my comments.

Alderman Thiel: I am having a little trouble with this one because this Council passed Wellspring and I'm looking at this. There are only 50 to 75 additional units on this project than there were in Wellspring. There are 63 more acres of greenspace, parkland and tree preservation in this project than there was in Wellspring. There is estimated 5,000 less trips than there were in the Wellspring project.

Vice Mayor Jordan: Let me just be honest with you, if Wellspring was before me today I wouldn't pass it either. Things have changed somewhat.

Alderman Lucas: We don't have the money for the roads now. We were anticipating money for the roads and we don't have it now.

Alderman Thiel: We had money for the roads whenever Wellspring was done?

Alderman Lucas: We had anticipated having money for the roads.

Alderman Thiel: From what?

Alderman Lucas: Impact Fees.

Alderman Thiel: That was quite sometime ago.

Alderman Lucas: We won't go into that.

Alderman Thiel: I look at the economic benefit to everyone and also there are a lot of projects out there but a lot of these projects were approved and they aren't being built. Mr. Lindsey does generally carry through on his projects. The economic benefit on that does work out. And also you will know that that traffic increase will be there because it will get built. What could he do to make this better? I agree that it would be silly to put streets up against the golf courses so how could this project be better. I'm looking back at this eight units per acre that we just approved and I'm looking at what that looks like which Jeremy pointed this out. He said you know, at least whenever you're looking at this project, it's an entire project, it doesn't look like this does, that is just a solid grid of eight units per acre. This has the eight units per acre in the center and then you have a lot of greenspace. There are benefits to looking at the entire project, and I'm not sure how I'm going to vote on this. I'm just saying that I'm a little confused on this. Someone needs to tell why this doesn't work, what they can do to make this better and why I shouldn't support it.

Vice Mayor Jordan: That would be a good question for Jeremy Pate. I just asked him the same question today.

Jeremy Pate: I want to preface this by saying that I am not the designer of this project and nor is that the Planning Divisions role. We often give guidance to projects as they come through but ultimately they've got a very well qualified licensed set of engineers and architects that do that. In terms of the greenspace, I can't quantify those numbers that are presented to you because the comparison chart that I gave you only showed parkland. We know what was on Wellspring but we don't know what is on Links because there is no grading plan or tree preservation areas set out with this, this is a master plan. With Wellspring, it came through as a preliminary plat and we understood exactly what those numbers are and what had to be mitigated. In terms of this I'm still not exactly sure how that plays out with regard to when the site actually gets developed. There is obviously more greenspace on the site. I don't think a simple street that rings around the property is the functional solution. It's a bigger issue of trying to create a traditional town pad in which you create a neighborhood. If you walk in the subdivisions in your wards, there are obviously places where you feel comfortable and understand that this feels like a neighborhood and there are places that do not have that quality of life. That is what we are searching for here in general concept. In terms of the zoning issue, regardless of the street improvements and detail of the issue, ultimately it is a policy decision of this Council. Do you feel that this is an appropriate way to zone this property? Mr. Lindsey stated that the density was not a concern of staff. To a certain degree it's a concern but I don't think the density that is proposed is that big of a concern. It wasn't the number of units that we were concerned with; it was how it was put together on the site and how it actually formed the neighborhood as opposed to something other than that. Some of those issues could be addressed with more public streets, sidewalks that connect these units, as opposed to walking through a lot of the parking lots. I think that's a lot of the concerns in terms of the overall master plan development that city staff has.

Alderman Thiel: Thank you.

Vice Mayor Jordan: Does that help?

Alderman Thiel: Somewhat, I wish I had a copy of Wellspring to look at.

Alderman Ferrell: I would ask my fellow Councilman to consider some things. We have traffic problems all over this town. Our Vice Mayor is the Chairman of the Street Committee and that was one of our first endeavors when we started talking about a strategic plan to try to get ahead of some of these traffic problems was to go out west. There is money allocated to go that way. There is not money allocated to fix everything. We saw where the problems were and as a matter of fact an inordinate of it was headed out there because we wanted to do something before it was a problem. Is that a fair statement?

Alderman Jordan: That is a very fair statement.

Alderman Ferrell: I think it's worthy of mentioning that the Planning Commission voted 3-3-2 and the person that wasn't there was in favor of it. It might not have had five votes but I have heard serious concerns in this body about something being voted down at Planning Commission by one vote. The more apartments that are here for the market, the more stable the rates are going to be. If we cut the number of apartments down, I've heard people say there are apartments to rent but in the long run if there are fewer apartments it's just a simple law of the market. The rent is going to go up. 145 direct employees and their families, of those employees that live in Ward 3, they're for it. I haven't had a single thing against this. There are people that derive their livelihood from jobs like this. Consider that, three quarter of a mile of road they have offered to build. How many developments have we had where somebody has built three quarters of a mile or half of a boulevard, I don't think we've ever had one. The 2025 Plan is a goal.

Jeremy Pate: There are 31 conditions of approval with this project. I just want to make sure everyone is clear on that.

Alderman Jordan: Well, up until this meeting I did not know that three quarters of a mile was going to be built until Mr. Lindsey offered that tonight. That wasn't what we talked about even at the ward meeting. That does give me some food for thought. I would really like to table this for two weeks and think about it. Shirley, what do you think?

Alderman Lucas: That would be fine.

Alderman Gray: One thing that I think is a very significant fact is if we don't approve this plan, what is going in there?

Alderman Lucas: It's valuable property, there will be something.

Alderman Gray: It's very valuable property but it could look just like the picture we saw of cobblestone with none of the amenities that Links is promising us and no promise of the green space. So that's a real significant fact to me.

Alderman Lucas: Hasn't it already been approved as a PZD? So it stays that way until someone changes it?

Jeremy Pate: That's correct.

City Attorney Williams: I think you might have a point Lioneld because you don't have the Mayor here; this is a sharply divided question on the Council. It could be a 4-4 vote so you might want to not only have the entire Council here but also the Mayor here.

Alderman Rhoads moved to table the ordinance until the May 15, 2007 City Council meeting. **Alderman Gray** seconded the motion. Upon roll call the motion passed unanimously.

NEW BUSINESS:

The following item was removed from the Consent Agenda and added to New Business

2007 Citizen Survey: A resolution authorizing the Mayor to negotiate and execute a contract with the Survey Research Center (SRC) at the University of Arkansas in an amount not-to-exceed of \$25,000 to design and conduct the 2007 Citizen Survey; and approving a budget adjustment in the amount of \$25,000.

Vice Mayor Jordan: Alderman Ferrell, I believe you had this pulled from Consent.

Alderman Ferrell: Yes sir, I read through the questionnaire the other day and the more I thought about it, two or three thoughts came to my mind. I don't know that we necessarily need this survey this often. If you look through the meat of it there are a lot of things that have changed a little bit. I would rather take the \$25,000 and build \$6,250 worth of sidewalks near elementary schools, or we could use it to help pay the \$8,000 for the signs. In the report that we got in the packet, if you look at our most recent past months in our tax collections they have been off, I just thought \$25,000 is a pretty significant amount of money. To me it's basically a fiscal thing.

Alderman Lucas: I agree with Alderman Ferrell. We didn't budget for it this year so I don't see why we couldn't wait until next year and budget for it. I think sometimes that two years is too frequently.

Alderman Thiel: I think you made some good points. It seems like we've kind of had public surveys about different issues in one way or another. It could wait until next year.

Alderman Cook: Every two years is twice in your four year term. I know each of us know our wards and the people in our ward but there are other parts of the city that we may not know as well. I don't know all the parts of Fayetteville and I see the citizen survey as a window to the other parts of Fayetteville that I may not know as well. It's a refresher of where the people are coming from to help you. The value is doing it often enough and getting some consistency and answers and it lends more value to what the survey says.

Alderman Rhoads: I come from a background of working at a company that could probably squeeze about as much money out of a dollar bill as any company in the world. Yet, they still

did a survey of all their people every year. To me, the question we have to ask ourselves is, are we getting something from the survey. If the survey yields nothing that we can actually use then we should never do one again. If it gives us something that we can make better decisions with then \$25,000 every two years is not too much money.

Alderman Allen: Would some of you that have been here more than a few months be able to say that it's been helpful for you to have the survey?

Vice Mayor Jordan: I use it.

Alderman Allen: I like Bobby's idea of that. I look at the consent agenda each time we meet and think about a whole summer's worth of hot lunches for kids at the boys club and an awful lot of money that seems to be just saying pass through on consent. I don't know whether this is the item to use as an example or not because I don't know how effective the tool is.

Alderman Thiel: I think initially it did serve a purpose but I have to question whether or not the last one served as much of a purpose as the first couple. They give you a baseline but then I'm not sure if I am learning anything new or relative.

Alderman Jordan: Probably not.

Alderman Thiel: Probably not. I know there were reasons why we said we needed to continue it, and it does give you the validity but I'm not sure you couldn't have that same validity every three years.

Alderman Ferrell: Nancy, in response to what you said I would say I saw the one before and there weren't any surprises.

Alderman Cook: Susan Thomas said and I think we should still consider this, doing another strategic meeting and moving forward but I still think there is value. I think maybe one more round of this with what we've done based on the previous strategic meeting that maybe that will carry us into the next round and we will see the next vision of Fayetteville. I strongly believe we should get together and have another strategic meeting.

Alderman Allen: I would like that.

Alderman Lucas: I think that's a good idea but the survey that was last done has been since our last strategic meeting.

Molly Longstreth, University of Arkansas representative: Last time I felt it seemed as if there was no room for questions that might help you strategically plan for example. I don't view it that way. We did build in some money so that we could have a democratic process, not as extensive as it was that first year. If you wanted to think of a few questions in addition to what you've got that would really help you strategically plan that might be something that you would think about. Also if there were things that were finished that you want to evaluate, that would be something to contemplate also. She went on to explain that this does give you a chance to hear from citizens that you may never hear from.

Alderman Allen: How are the questions compiled?

Molly Longstreth: The questions were compiled in a couple of different ways. The city did a survey in 2001. Second we sat down with the goals and guiding principals and all the strategic planning documents for the city and then we developed questions from those. The ideas about growth management came from a survey that was done in another city in Arkansas because there was an interest in having an understanding of how citizens are feeling about growth issues and what they would be willing to support and what they wouldn't be willing to support. There had been a lot of democratic action in the previous year in the city so we tried to take those into account. We had meetings with the Council and we tried to take in as much input as we possibly could.

Alderman Allen: I think you make a good point about the silent group that maybe feels reluctant to come before the Council. Maybe we could try doing this another year and then reviewing it and thinking about doing it less frequently. I want to depend upon all of you that have been here longer about the merit of this.

Alderman Rhoads: I just think it's another valuable tool to be able to rely upon when you are making a judgment call on things. I don't recall ever seeing anything on the survey that I thought was really out of line or ludicrous. I thought it all made sense and I know I have heard people referring to the survey.

Alderman Allen: I know at agenda session there was some discussion about adding or subtracting some items and so maybe it just deserves some more scrutiny the next time through.

Alderman Rhoads moved to approve the resolution. Alderman Cook seconded the motion. Upon roll call the resolution passed 6-2. Alderman Gray, Thiel, Cook, Allen, Rhoads and Jordan voting yes. Alderman Ferrell and Lucas voting no.

Resolution 84-07 as Recorded in the office of the City Clerk.

Fayetteville Municipal Property Owners' Improvement District No. 18 - Woodbury: An ordinance to establish and lay off Fayetteville Municipal Property Owners' Improvement District No. 18 – Woodbury.

City Attorney Kit Williams read the ordinance.

Joe Gregory, with the Law Firm of Jack, Lyon and Jones, P.A. of Little Rock stated he would be happy to answer any questions.

Alderman Cook 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.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5011 as Recorded in the Office of the City Clerk.

Fayetteville Municipal Property Owners' Improvement District No. 20 – Quarry Trace Commons Subdivision: An ordinance to establish and lay off Fayetteville Municipal Property Owners' Improvement District No. 20 – Quarry Trace Commons Subdivision Infrastructure Project.

City Attorney Kit Williams read the ordinance.

Alderman Ferrell 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.

Alderman Ferrell 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.

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

Ordinance 5012 as Recorded in the Office of the City Clerk.

VAC 07-2522 (Johnson): An ordinance approving VAC 07-2522 submitted by Bates and Associates for property located at the west side of Gregg Avenue, between 6th and Prairie Streets, vacating a 20' wide portion of un-constructed right-of-way, a total of 0.20 acres.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance. He stated staff is recommending approval.

Alderman Cook: I went down there and I can't believe Gregg Street is 60 feet from right of way right there on that spot. I don't see a problem with that really.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5013 as Recorded in the Office of the City Clerk.

ADM 07-2565 (North Point): An ordinance approving ADM 07-2565, for property located at Lot 5 Block 1 of the North Point Subdivision, repealing and replacing Ordinance No. 4932 to allow for a lesser easement vacation than previously approved as indicated on the attached map and legal description.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance. He stated staff recommends approval. This did not actually go to the Planning Commission because it's simply repealing the last ordinance that was adopted by the City Council.

Alderman Cook: Based on the fact that we gave them a bigger one and he wants a smaller one I will move that we go to the second reading.

Alderman Cook 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.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5014 as Recorded in the Office of the City Clerk.

Walker Park Cell Tower: A resolution to approve a twenty-five year lease with Callahan Tower Joint Venture for a small lot in Walker Park for a monopine cell tower at an annual rent of between \$12,000 and \$54,000, plus a \$20,000 contribution to the Walker Park Mural Project.

Alderman Thiel: I am glad they are tabling it. I was going to request this even though they are requesting it because we are having a ward meeting Monday, May 14th at 6:00 PM in Room 326 and I would hope if they are still interested in doing this that they will be there to visit with anyone in that neighborhood that has concerns about it. That is in Ward 1 and in fact even the location across the highway if they go to the private property, that's also in Ward 1. I hope people are there if they are interested in this Walker Park cell tower.

City Attorney Kit Williams: Of course they would like it tabled to the first meeting in June so not just the next meeting. The basic reason is that there are several cell phone companies involved and they are looking at both of the sites. Obviously according to what our rules are we are only going to approve one tower that close. So they are looking at both sides and they both should appear at your ward meeting.

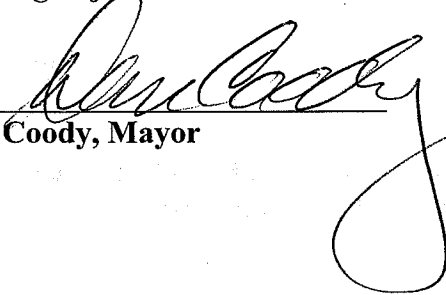
Alderman Lucas: You mean someone else is planning one too?

City Attorney Kit Williams: There is only going to be one tower but different companies are looking at different sites.

Alderman Allen moved to table the resolution to the June 5, 2007 City Council meeting. Alderman Thiel seconded the motion. Upon roll call the motion passed unanimously.

This Resolution was Tabled to the June 5, 2007 City Council meeting.

Meeting adjourned at 9:45 PM



Dan Coody, Mayor



Sondra Smith, City Clerk/Treasurer