Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

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

City of Fayetteville Arkansas
City Council Meeting Minutes
March 18, 2008

A meeting of the Fayetteville City Council was held on March 18, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Coody called the meeting to order.

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

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

This is the first live web streaming meeting exercise we are going through and Amber Wood, Deputy City Clerk is working with the company that is live web streaming.

Presentations, Reports and Discussion Items:

Sustainability Report: **John Coleman,** Sustainability Coordinator gave an update on the sustainability efforts of the city. He stated the utility costs are down from last year, but this is not a trend because more data needs to be collected. He has set up a sustainability team that is made up of City employees.

Alderman Thiel thanked John for his service and the work that he has done for the Environmental Concerns Committee.

Nominating Committee Report: **Alderman Cook** presented the Nominating Committee Report. A copy of the report is attached.

Alderman Ferrell moved to approve the Nominating Committee Report. Alderman Thiel seconded the motion. Upon roll call the motion passed unanimously.

Agenda Additions: None

Consent:

Approval of the March 04, 2008 City Council meeting minutes.

Approved

Landers Ford State Vehicle Purchase: A resolution approving the purchase of two (2) compact extended cab 2X4 pickup trucks from Landers Ford through the state vehicle purchase contract in the amount of $23,784.00 for use by the Meter Division.

Resolution 52-08 as Recorded in the office of the City Clerk.

Bid # 08-17 Truck Centers of Arkansas: A resolution awarding Bid # 08-17 and approving the purchase of two (2) tandem axle dump trucks from Truck Centers of Arkansas in the amount of $200,050.00 for use by the Water & Sewer Division.

Resolution 53-08 as Recorded in the office of the City Clerk.

Bid # 08-18 Truck Centers of Arkansas: A resolution awarding Bid # 08-18 and approving the purchase of two (2) tandem axle dump trucks with auxiliary hydraulics from Truck Centers of Arkansas in the amount of $210,960.00 for use by the Transportation Division.

Resolution 54-08 as Recorded in the office of the City Clerk.

Bid # 08-19 Truck Centers of Arkansas: A resolution awarding Bid # 08-19 and approving the purchase of one (1) tri-axle dump truck from Truck Centers of Arkansas in the amount of $106,259.00 for use by the Transportation Division.

Resolution 55-08 as Recorded in the office of the City Clerk.

Bid # 08-20 Truck Centers of Arkansas: A resolution awarding Bid # 08-20 and approving the purchase of three (3) recycle trucks from Truck Centers of Arkansas in the amount of $471,873.00 for use by the Solid Waste & Recycling Division.

Resolution 56-08 as Recorded in the office of the City Clerk.

Bid # 08-21 Downing Sales and Service: A resolution awarding Bid # 08-21 and approving the purchase of one (1) drop box truck from Downing Sales and Service in the amount of $158,735.00 for use by the Solid Waste & Recycling Division; and approving a budget adjustment in the amount of $1,805.00.

Resolution 57-08 as Recorded in the office of the City Clerk.

Bid # 08-22 Truck Centers of Arkansas: A resolution awarding Bid # 08-22 and approving the purchase of one (1) container carrier truck from Truck Centers of Arkansas in the amount of $76,423.00 for use by the Solid Waste & Recycling Division.

Resolution 58-08 as Recorded in the office of the City Clerk.

Bid # 08-23 Scruggs Equipment Company: A resolution awarding Bid # 08-23 and approving the purchase of one (1) knuckleboom truck from Scruggs Equipment Company of Memphis in the amount of $90,332.00 for use by the Solid Waste & Recycling Division.

Resolution 59-08 as Recorded in the office of the City Clerk.

Bid # 08-26 Golden Circle Ford: A resolution awarding Bid # 08-26 and approving the purchase of one (1) crew cab dump truck from Golden Circle Ford of Jackson, Tennessee in the amount of $46,504.00 for use by the Transportation Division.

Resolution 60-08 as Recorded in the office of the City Clerk.

Bid # 08-27 Longo Toyota: A resolution awarding Bid # 08-27 and approving the purchase of two (2) compact hybrid sedans from Longo Toyota of Los Angeles, California in the amount of $44,360.00 for assignment to the rental pool.

Resolution 61-08 as Recorded in the office of the City Clerk.

West Side Wastewater Treatment Plant Deed Restriction: A resolution approving a deed restriction covenant for the West Side Wastewater Treatment Plant Outfall Site as required by the U.S. Army Corps of Engineers Section 404 Nationwide Permit Number 14207-1.

Resolution 62-08 as Recorded in the office of the City Clerk.

Arkansas Western Gas Company Agreement: A resolution approving an agreement with Arkansas Western Gas Company in the amount of $397,000.00 for relocation of gas lines and appurtenances to allow construction of improvements to Mount Comfort Road.

Resolution 63-08 as Recorded in the office of the City Clerk.

Arkansas Highway and Transportation Department Agreement: A resolution approving preparation and execution of an agreement with the Arkansas Highway and Transportation

Department for the city to take over maintenance of Shiloh Drive between Garland Avenue and Mount Comfort Road.

Resolution 64-08 as Recorded in the office of the City Clerk.

Peace at Home Shelter Building Permit Fee: A resolution to waive the building permit fee and other developmental fees for the construction of the Peace at Home Family Shelter.

Resolution 65-08 as Recorded in the office of the City Clerk.

2008 Assistance To Firefighters Grant: A resolution authorizing the Fayetteville Fire Department to apply for a Department of Homeland Security 2008 Assistance to Firefighters Grant in the amount of $300,000.00 to replace self-contained breathing apparatus (SCBA) and a SCBA Mobile Cascade system.

Resolution 66-08 as Recorded in the office of the City Clerk.

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

Alderman Allen: This is an enormous number of trucks and a lot of money. Were they all bought at the same time and so they are all going out of commission at the same time? Why is there such a large number?

David Bragg, Fleet Operations Superintendent: This is really not an unusual amount of equipment for what we do every year. This year we have just gone about it a little differently. We are doing all the acquisitions in the first half of the year. Our budget is up a little over previous years. It is a cyclical thing where we go on an eight to ten year service life. Some years we have more equipment that comes due than other years. The money is accumulated into the fleet fund on an even basis so that money will be available in the fleet fund when the vehicle is due for replacement. There is another fairly large group of vehicles coming up for approval next month but that is essentially the end of the acquisitions for this year. We have a fleet with a value of over $25 million. We have to spend $1.5 million to $2.5 million every year just to stay even.

Mayor Coody: To replace old equipment as it phases out.

David Bragg: Yes.

Alderman Ferrell: There were some vehicles that the equipment committee did not approve. If you are flush in money then you can afford a great fleet, if you are not you can't.

<u>Unfinished Business:</u>

<u>Hiring Freeze:</u>

Hiring Freeze Appeals: A resolution to approve the hiring of replacement employees

Animal Services – One Animal Services Officer and One Animal Services Caregiver

Jim Hatfield, Animal Services Superintendent: The caregiver position was created when we promoted from within. We promoted one of the caregivers to the vet assistant position. By promoting from within we have opened another position. We have an officer position also. By continuing this position it will save us overtime on call pay for two senior officers when we look at overtime emergency on call pay.

Alderman Lucas: Do they not get paid overtime and on call pay when they are called at night. The other officers could not cover that?

Jim Hatfield: Yes but the two senior officers are paid more. There are two other officers and they are paid about mid level.

Mayor Coody: You could cover this slot but it would be more stressful for the staff and you would be using more expensive people at a higher overtime rate to cover for this entry level position.

Jim Hatfield: Correct.

Alderman Ferrell: These are replacement positions correct?

Jim Hatfield: Absolutely.

Mayor Coody: We aren't bringing new positions forward.

Alderman Lucas: Is this an increase to a full time position?

Jim Hatfield: We have the caregiver slot that is open; we have a part time person that is trying to cover that position.

Alderman Thiel moved to approve the Animal Services Officer and the Animal Services Caregiver position. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

One Animal Services Officer – Approved
One Animal Services Caregiver – Approved

Human Resources – Administrative Assistant

Missy Leflar, Human Resources Division Manager: I am losing 20% of my work force which is one person. We did have five full time positions and one part time position. This past November my division voluntary cut the part time position in an effort to help the City with budget cuts. If we lose this position we can not keep the balls juggling in the air. Each of us would have to man that front desk two hours per day and make sure her other work got done as well. Our staff is at a current level of five which is under sized for an organization with the number of employees we have. Seven HR staff members would be the medium number and we have five. I would like to request that you allow me to replace this position. It is not a new position.

Alderman Ferrell: Do you have any indication of whether the replacement person would be a new hire or a transfer?

Missy Leflar: No sir, we would post it internally as well as run a job advertisement.

Alderman Ferrell: Chances are that a new person would cost less wouldn't it?

Missy Leflar: I should hope so.

Alderman Rhoads moved to approve the Human Resources Administrative Assistant position. Alderman Thiel seconded the motion. Upon roll call the motion passed unanimously.

Human Resources Administrative Assistant - Approved

Resolution 67-08 as Recorded in the office of the City Clerk.

Ambulance Service Interlocal Agreement: A resolution to approve an interlocal agreement for ambulance service by and with the City of Fayetteville, Washington County, Elkins, Farmington, Goshen, Greenland, Lincoln, Prairie Grove, West Fork, Winslow and Johnson, and to establish the ambulance authority and Central Emergency Medical Services as the exclusive emergency and non-emergency ambulance service within the cities. ***This resolution was tabled at the March 4, 2008 City Council meeting to the March 18, 2008 City Council meeting.***

Mayor Coody: You guys came to some terms in the past few days haven't you?

Alderman Jordan: Yes we have. There were funding issues and equipment cost reimbursement and other issues. I had concerns about Springdale not being involved. Other things that were discussed were price per capita, which all cities will pay the same per capita. Exclusivity was also passed by the committee. I think it is an agreement that is good for both parties in general.

City Attorney Kit Williams: We have had some very good committee meetings. We made some changes to the agreement that would be a positive improvement for everyone involved.

Kit explained the conditions of the agreement.

Alderman Lucas: After 2011 the equipment will be owned by the authority.

City Attorney Kit Williams: Yes. Everything that is purchased new by the authority is going to be the authority's from day one. Equipment that has been transferred by another party if they have not left the authority by July 1, 2011 all the property will be the authority's property.

Jeff Dick with Arkansas Paramed Transfer: We are nonemergency providers within the City of Fayetteville. I understood it would have to come before the City Council another time to vote for exclusivity.

Alderman Ferrell: Tonight.

City Attorney Kit Williams: The amendment itself does not require it but the resolution that would adopt this does authorize exclusivity for nonemergency services. That part of the resolution would have to be removed or else exclusivity would be granted tonight.

Jeff Dick: I would like to ask the Council to reconsider the exclusivity part. You would be going to a drastic step of granting a monopoly to one provider and you would basically be pushing the other providers out. I would like to see competition in the market place.

John Gibson, Chairman of the Board of Central EMS: When we thought about putting the board together, we put a hospital and nursing home representative on the board. I suspect they will be looking very seriously at the rates that are charged to their businesses for nonemergency service. We have a good agreement that I think we can all live with.

He thanked the people that worked on the agreement.

Mayor Coody: Thanks for your patience. The County and the City have always been good partners and I am glad we will be able to continue this great relationship that we have.

John Gibson: I am going to stay around and make sure that this ambulance service is as good or better than it is right now.

Rick Wilcox, owner of Northwest Medical Transfer: I disagree that it is automatic money in your pockets to create a monopoly. I pulled out of Fayetteville about a year and a half ago. He discussed an independent study that was done on ambulance services. He discussed Medicare payments that are received for ambulance service. He said insurance is a tough business to deal with.

Alderman Jordan gave a summary of the proposed contract.

Alderman Thiel: The recommendation from the committee is to approve this?

Alderman Jordan: Yes.

Alderman Thiel: I appreciate the concerns from the private businesses about exclusivity. Looking at the potential for possible savings to the citizens of Fayetteville is one of the reasons we started this discussion several years ago. She quoted what the City Attorney wrote in a memo about exclusivity. Based on this memo and the committee recommendation I support exclusivity.

Mayor Coody: Central EMS if granted exclusivity will contract out with the private folks to handle the load that they can't.

Alderman Ferrell: I think all of us want to have good ambulance service. I want to thank the committee. I do not support exclusivity in ambulance service. EMS today is in the nonemergency business. They are another provider.

Alderman Lucas: This has bothered me to have exclusivity.

A discussion followed on the contract.

Alderman Allen: I spoke to several nurses and the exclusivity was troublesome to them. What percentage of nonemergency transfers is being done by EMS now?

Becky Stuart, Chief of Central EMS: We do about 120 nonemergency calls per month.

Alderman Allen: Could someone need a nonemergency transfer and be unable to be transferred for a lengthy period of time?

Becky Stuart: We would be able to learn more about the call volume and add resources through the authority and Central EMS. We might have to have another provider that we contract with to come in and help with the peak demand times.

Alderman Allen: So these other companies could come in at that time even if we go with the exclusivity?

Becky Stuart: That would be through a contractual agreement between another provider and the EMS Authority.

Alderman Rhoads: If they don't do what they say and don't hire someone else then we will get complaints and they will change their ways or we will go non exclusive.

Alderman Thiel: Didn't you say that if this passed you are going to add a truck or two?

Becky Stuart: Right now we have the infrastructure in place and we are able to add two ambulances a day, Monday through Friday 8-5 which is when most of the nonemergency calls occur.

Alderman Jordan: You said exclusivity could be a gain for the City of Fayetteville.

City Attorney Kit Williams: At least for the authority and that would mean that we would not have to pay as much subsidy.

Becky Stuart: It will be a gain to the overall system both emergency and nonemergency.

Alderman Jordan: Do you have any estimates on how much that could be?

Becky Stuart: At this time our estimates are $300,000 net per year.

Alderman Allen: Did the committee have any concern about competition?

Alderman Jordan: Yes.

Alderman Lucas: When you have exclusivity you can designate different staff and vehicles for those transfers which helps.

Becky Stuart: Yes. Currently all of the ambulances that are in place for Washington County and Fayetteville through Central EMS are paramedic level certified. That is the highest and most expensive level. If we know how many nonemergency calls and what time of day they are scheduled we can put on a nonemergency basic life support ambulance. We can then match the resource with the type of call. We feel this is a better use of our resources.

Alderman Ferrell: If you have to call someone that you are contracting with to help there wouldn't be any correlation between whether they had insurance or not in a situation like that.

Becky Stuart: Absolutely not.

Alderman Cook: When we first came into this I was against exclusivity. Since then I have kind of swayed. I think it would be a mistake at this point if we didn't at least give this a try.

Alderman Ferrell moved to amend the resolution to remove exclusivity of non-emergency transfers services from the agreement. Alderman Jordan seconded the motion. Upon roll call the motion failed 1-7. Alderman Ferrell voting yes.

This amendment failed.

Alderman Jordan thanked several individuals for their work on this.

Alderman Lucas thanked several individuals for their work on this.

Alderman Gray moved to approve the resolution. Alderman Thiel seconded the motion. Upon roll call the resolution passed 7-1. Alderman Ferrell voting no.

Resolution 68-08 as Recorded in the office of the City Clerk.

John Gibson: Thanked each member of the Council for working on this.

A discussion followed on the appointment of someone to this board.

New Business:

Economic Development Strategic Plan: A resolution to approve a budget adjustment in the amount of $75,000.00 to match a similar expenditure of the University of Arkansas Technology Development Foundation to jointly hire a consultant for Phase One of an Economic Development Strategic Plan.

Gary Dumas, Director of Operations gave a brief description of this resolution. He stated they are trying to create an economic development vision statement followed by a fairly detailed strategic plan. The University has agreed to partner with us for half of this, up to $75,000. All we are doing today is appropriating the funds.

Alderman Cook: I thought this was a partnership with the University and now you are saying we are contracting with the University. It sounds like the University is taking the lead on it.

Gary Dumas: It is a partnership. We thought it was best to go through their selection process, just like we do a normal selection process. If you choose to have the City in the lead I would have to talk to the University but I don't think there would be any problem with that.

Alderman Cook: This came from the City initially. I don't disagree with partnering with the University, I think that is a good thing, but I don't want the citizens to feel like we are throwing money at the University and they are bringing somebody in here.

City Attorney Kit Williams: Would it not be possible to have a joint selection?

Gary Dumas: That is what the process is going to be.

Alderman Allen: I thought that part of our process was to bring forth our ideas about economic development to the table. It seems to me in these difficult economic times that should be where we start rather than with a consultant. I find it problematic particularly in tough economic times to bring in a consultant.

Gary Dumas: I suppose if the City Council wants to take that direction you certainly can. The recommendation to you is that we solicit outside assistance to gain from their prior experience and knowledge and to gain a new point of view of our local issues. What outside services will bring is facilitation of constructive discussion bringing that diverse knowledge and diverse opinion into a consolidated statement with which all sides can identify and move forward toward the achievement of our common objective a sustainable, successful, Fayetteville economy.

He read a brief statement from the University about bringing in a consultant.

I think the staff and those at the University that have participated feel that a fresh prospective from the outside, and in the essence of time, it is best to use external services.

Alderman Allen: I have concern for economic development in Fayetteville too. It seems like we should have started six months ago rather than with a consultant.

Mayor Coody: We brought in Dover Kohl to do our Downtown Master Plan. We have plenty of expertise in house to do it if they had nothing else to do. We would not have been able to focus on it like Dover Kohl did. They brought some very interesting and workable ideas to Fayetteville. Economic development is not a single thing that we do. We have been doing economic development seriously for the last seven years and I am very pleased with our progress. It is time to ratchet it up and go to the next level.

Phil Stafford, University of Arkansas: Every thing we have been trying to do is to accelerate the process. The concern about whether we are using outside consultants or not is really directed at the efficiencies. You will be a part of that vision and process. Having someone that can help us to guide us and keep us focused I think is the real value of working with outside consultants. I believe we will achieve better results by utilizing outside services that will help us to participate in a team like fashion.

Mayor Coody: One of the things I am excited about is the potential to really capitalize on the sustainability issue.

Phil Stafford: We have a history of partnering together. I think we are now able to take advantage of some of the additional strengths that we have been able to develop and couple that with new initiatives within the region.

Alderman Cook: I think there is some value with bringing someone in from the outside. Ultimately we are trying to attract from outside the community. We want to bring jobs here, to me that is the bottom line. Those jobs are going to be created by someone investing that money from outside the community. I think when we have that view and we get suggestions that ultimately we can create a better strategy.

Alderman Rhoads: I look forward to and endorse bringing someone else in. I think we have talented people at the University of Arkansas and with the City. I do not discount the smart people that are here. This is an opportunity to take this to another level and take advantage of folks that have done this before.

Alderman Allen: I agree with what Alderman Rhoads said. My point of disagreement was the process where I thought we would have more input. My concern is having a consultant at a time when we didn't give raises to people on our staff, because of tough economic times. That makes it hard for me to justify. It is not because I don't value our goals and that we need to do every thing we can in order to do the best job we can with economic growth in Fayetteville and have the proper kind of growth.

Alderman Ferrell: This money is coming out of the economic development fund and I think that is an appropriate place for it to come out of. I think we are over due. We don't have the luxury of waiting any longer. I think we need to have agreement on how to be successful and I think this partnership can direct us toward that.

Alderman Cook: If this actually works we will see what we have gotten from Van Scoyoc and much more in the long run.

Alderman Jordan: Why is FEDC or the A&P Commission not partnering with us on this?

Gary Dumas: There is no reason that they are not. FEDC looks to the City to provide guidance on what direction the City wants them to go. They are an implementer of your vision not the creator of the economic development vision. They are here to make things happen after you decide where we should go. This creates that plan so they have guidance and then we can actually measure success.

Alderman Jordan: If they are going to benefit from it.

City Attorney Kit Williams: It is not absolutely clear that A&P could donate money in this particular area. I have not researched that.

Alderman Jordan: That is a concern of mine.

Alderman Thiel moved to approve the resolution. Alderman Gray seconded the motion. Upon roll call the resolution passed 6-2. Alderman Allen and Jordan voting no.

Resolution 69-08 as Recorded in the office of the City Clerk

Norman Company: A resolution approving the purchase of office equipment and furniture from Norman Company through U.S. Communities in the amount of $29,948.88 for the new West Side Wastewater Treatment Plant; and approving a contingency of $1000.00.

David Jurgens, Water and Wastewater Director: This is the furniture purchase for the West Side Treatment Plant.

Alderman Ferrell voiced his concern about the cost of the chairs. He stated he will not vote for this.

Alderman Gray: I am going to vote for this. I want us to have furniture that is going to last. I would rather buy a good chair from the beginning and have it last a long time. The staff has given us their recommendation and I support it.

Alderman Thiel: A selection committee reviewed this and we do want to buy quality furniture because in the long run it pays for itself.

Alderman Ferrell: Who was on the selection committee?

David Jurgens: It wasn't a selection committee; it was two of my employees and one OMI representative.

Alderman Ferrell: As the plant comes on line they will not be spending as much time there is that correct?

David Jurgens: The wastewater plant now is manned 24/7. The new plant as time goes on will be able to cut the night shift but the operation staff will still be a 16 hour a day operation.

Alderman Lucas: I have a little bit of a struggle with the cost of the chairs.

David Jurgens: The average price is just under $100. We tried to select furniture that was appropriate for the location and the use. We selected furniture that met the sustainable green type requirement. We followed the City's purchasing policy. We choose industrial grade furniture rather than standard or residential grade.

Mayor Coody: The people that have been building the wastewater treatment center have been doing a marvelous job on value engineering and making sure we get the best bang for our buck out there. OMI has done a stupendous job for the City of Fayetteville as far as managing our wastewater treatment center.

Alderman Thiel moved to approve the resolution. Alderman Gray seconded the motion. Upon roll call the resolution passed 4-4. Alderman Gray, Thiel, Cook, and Rhoads voting yes. Alderman Allen, Ferrell, Lucas, and Jordan voting no. Mayor Coody voted yes to pass the resolution.

Resolution 70-08 as Recorded in the office of the City Clerk

Arkansas Highway & Transportation Department Proposal: A resolution approving a proposal from the Arkansas State Highway and Transportation Department (AHTD) to widen Crossover Road from Mission Boulevard to Joyce Street; and reaffirming the City of Fayetteville's commitment of $7,700,000.00 to the project.

Ron Petrie, City Engineer gave a brief update on the project. He gave the four possible options. He stated the Street Committee voted 3-1 to use the second option which was to use the City commitment of $7.7 million and proceed with the project.

Alderman Thiel: This project will proceed from Highway 45 to Joyce Street.

Alderman Jordan: The Street Committee recommended this option.

Alderman Thiel: I heard from a lot of people that supported following the plan that was originally given to us. I support doing it like this.

Alderman Allen: I also support building it like this.

Alderman Lucas: I also support this.

Alderman Ferrell: I voted against this at the Street Committee meeting however I will support it tonight.

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

Resolution 71-08 as Recorded in the office of the City Clerk

Transportation Bond Program Funds: A resolution approving the use of existing Transportation Bond Program funds to proceed with the Van Asche Boulevard extension to the west of Gregg Avenue upon formal acceptance of an annexation from the adjoining property owner WG Land Company Limited Partnership.

Ron Petrie gave an update on this proposal. He said there was specific language within this agreement having to do with the industrial zoning within the cavern area and the commercial zoning for the remaining property when it is annexed or when it is developed.

Alderman Jordan thanked Alderman Thiel because some of this funding is coming from a project that was proposed for Ward 1.

Alderman Thiel: This is just delaying the proposed Fifteenth Street project.

Alderman Allen: This is the right thing to do.

Alderman Cook: My concern is the de-annexation. That will be a fight.

Gary Dumas: The annexation and de-annexation is not going to be an easy task.

Alderman Cook: What if the City of Johnson says no to the de-annexation?

City Attorney Kit Williams: This has happened before between other cities with property owners. A property owner has the right, if the city that he is currently a member of doesn't provide the kind of services that another city would offer, to go to court to require de-annexation from the other city, if the new city is willing to accept him in and offer the services that he can't get from the prior city. I think that is the situation that we have right now in this particular property.

Alderman Cook: Is that a lengthy process?

City Attorney Kit Williams: Yes.

Gary Dumas: I sent a letter to the City of Johnson proposing a negotiated agreement.

Alderman Cook: If we agree to this nothing happens until that land is in the City of Fayetteville?

Gary Dumas: I think that we should probably proceed with the design that will be done internally.

A discussion followed on a proposed amendment.

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

Resolution 72-08 as Recorded in the office of the City Clerk

Red Oak Park Streambank Improvements: A resolution approving a revised project design for the Red Oak Park Streambank Improvements submitted by the Arkansas Game and Fish Commission Region 1 Stream Team.

Carole Jones, Fayetteville Parks and Recreation: We have had discussion since this was tabled. Residents of Ward 4 voted and agreed that we should proceed with the Arkansas Game and Fish Commission design. They also wanted us to work on the master plan of park once we get the stream finished and the possibility of looking at rain gardens in conjunction with this.

David Evans, Arkansas Game and Fish Commission: I don't see any change from what I said before. The slight narrowing of the channel from the modification that you asked me to make I am not willing to modify it any farther down than that.

Lowell Boynton, Bell Gabel Chapel Owner: I sent my comments to everyone in written form. I think there is a lack of appreciation for how much water is coming down through there.

Aubrey Shepherd, citizen: I think this is a chance to educate people. This is a poster child for bad development.

Valerie Biendara, citizen thanked Alderman Jordan and Lucas for the meetings they had regarding this. She also thanked Carole and Connie from Parks and Recreation for their hard work to see something done with this park. I appreciate the Council voting on this and giving us our park back.

Paul Becker, Finance Director reviewed the funding for the project. If the Council wants to use park land dedication funds they would need to amend the resolution. This is currently budgeted in the capital improvement fund.

A discussion followed on the funding for the project and where the funds are coming from. A discussion also followed regarding future park land dedication funds.

Alderman Ferrell moved to amend the resolution to use Park Land Dedication Funds in the amount of $39,578. Alderman Jordan seconded the motion. Upon roll call the motion passed 6-2. Alderman Gray and Thiel voting no.

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

Resolution 73-08 as Recorded in the office of the City Clerk

ADM 06-2380 Amend Chapters 166 & 172: An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 166: Development and Chapter 172: Parking and Loading in order to adopt Urban Residential Design Standards.

City Attorney Kit Williams read the ordinance.

Alderman Lucas moved to suspend the rules and go to the second reading. Alderman Cook seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent during the vote.

City Attorney Kit Williams read the ordinance.

Karen Minkel, Planning Division gave a brief update on the proposed ordinance. Planning Commission forwarded this ordinance to the Ordinance Review Committee with a vote of 7-0. The Ordinance Review Committee forwarded this ordinance to the City Council with a vote 3-0.

Alderman Ferrell: Was there any thought about the PZD's being able to be considered?

Jeremy Pate, Director of Current Planning: For this particular item a PZD would not likely utilize these standards.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5118 as Recorded in the office of the City Clerk.

ADM 07-2712 Amend Chapters 151, 159, 161, 162, 163 and 164: An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 151: Definitions, Chapter 159: Fees, Chapter 161: Zoning Regulations, Chapter 162: Use Units, Chapter 163: Use Conditions and Chapter 164: Supplementary District Regulations in order to make accessory dwelling units a permitted use in all residential zoning districts contingent upon Planning Division administrative approval.

City Attorney Kit Williams read the ordinance.

Leif Olson, Planning Division: The Planning Commission forwarded this to the Ordinance Review Committee with a vote of 6-0. The Ordinance Review Committee forwarded it to the City Council with a vote of 3-0. He gave a list of proposed requirements from the Council of Neighborhoods.

There was a discussion on the proposed changes from the Council of Neighborhoods. After discussion this was left on the first reading and sent back to the Ordinance Review Committee to review.

Alderman Allen: I have concerns about implementation and how this will be regulated. Basically I think it is a really good ordinance.

Jeremy Pate: We looked at utilizing this for PZD's but we didn't get a lot of support for that. We did not feel it was the right thing to do to propose these as a use by right for PZD's

Alderman Thiel: During the Ruskin Heights discussion this was a big issue so I appreciate that being looked at in a different way.

This ordinance was left on the First Reading.

ADM 08-2927 (Stadium Centre Cottages): An ordinance amending a Residential Planned Zoning District entitled R-PZD 06-2212, Stadium Centre Cottages, located at the SW corner of One Mile Road and Sandra Street, containing approximately 2.45 acres, to reflect revised lot width and lot area requirements as described and depicted herein.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the proposed ordinance. Planning Commission voted unanimously to support this amendment.

Alderman Lucas: This does not increase the density.

Jeremy Pate: That's correct.

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

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 7-0. Alderman Allen was absent during the vote.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5119 as Recorded in the office of the City Clerk.

Amend Chapter 72 Parking Regulations: An ordinance to amend Chapter 72, Parking Regulations, of the Fayetteville Code by enacting §72.59 EcoTag authorized for free parking at long term parking meters.

City Attorney Kit Williams read the ordinance.

John Coleman, Sustainability Coordinator gave a brief description of the proposed ordinance. He stated this will cost very little money in time on behalf of staff.

Mayor Coody: I asked John to bring this forward because I have been supportive of encouraging people to buy as fuel efficient vehicles as possible.

Alderman Thiel: I support this. I feel it is sending a signal to our city and other cities that we value this.

Alderman Gray: I think we need to do anything we can to encourage people to save gas and this is one more way we can encourage them.

Alderman Allen: I am not sure this is the way to reward. I would like for us to think of other ways we can reward. This seems it discriminates toward the poor.

Alderman Ferrell: I think it was a good intention but a bad application.

Alderman Ferrell 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.

Dillon Ferrell: I believe the ordinance as written is ill-advised at this time. We are in a budget short fall and cutting parking revenue even in a slight way would jeopardize other programs in the city. This does not take into account electric vehicles. There are a number of motorcycles that would far exceed the 40 mile per gallon rating. I feel to limit to strictly four wheel gas pedestrian powered vehicles at this point would send the wrong message from the City.

Mayor Coody: These cars would have to meet certain mileage standards and as technology improves if EPA says that a car meets the high mileage standards then they might be available to take advantage of the program too. If the program becomes so popular that we see a real hit to the budget we could always scale it back or do away with it.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Thiel 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 failed 2-6. Alderman Gray and Thiel voting yes.

This ordinance failed.

Amend Chapter 150 General Provisions: An ordinance to Amend §150.12 Penalty of the Unified Development Code of the Code of Fayetteville to refer back to §10.99 General Penalty of the Code of Fayetteville.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: In the UDC this only had the title and nothing written under it. I suggest that we include the language to refer back to the general penalty section of our entire Code of Fayetteville.

Alderman Cook moved to suspend the rules and go to the second reading. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Thiel was absent during the vote.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5120 as Recorded in the office of the City Clerk.

Meeting adjourned at 9:20 PM

Dan Coody

Dan Coody, Mayor

Sondra E. Smith

Sondra E. Smith, City Clerk/Treasurer

Nominating Committee Report
Meeting Date: March 13, 2008
Room 313, City Hall 5:00pm

Members present: Kyle Cook, Adella Gray, Shirley Lucas
Also present: Nancy Allen, Robert Ferrell

The following is being submitted by the Nominating Committee to the entire City Council for consideration.

Board of Adjustments

The committee recommends the following candidates for appointment:

Bob Kohler – one term ending 3/31/13
Steven Bandy – one unexpired term ending 3/31/10

Civil Service Commission

The committee recommends the following candidates for appointment:

Steve Coppinger – one term ending 3/31/14
Fred Vorsanger – one term ending 3/31/14

Construction Board of Adjustments and Appeals

The committee recommends the following candidate for appointment:

Jim Key – one term ending 3/31/13

Fayetteville Public Library Board of Trustees

The committee recommends the following candidates for appointment:

Don Marr – one term ending 4/01/13
Dan Ferritor – one term ending 4/01/13

Planning Commission

The committee recommends the following candidates for appointment:

James Graves – one term ending 3/31/11
Audy Lack – one term ending 3/31/11
Jeremy Kennedy – one term ending 3/31/11