

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 20, 2008**

A meeting of the Fayetteville City Council was held on May 20, 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 Thiel, Cook, Allen, Rhoads, Ferrell, Lucas, Jordan, Mayor Coody, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Gray

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

Wastewater System Improvement Project – David Jurgens, Water Wastewater Director

David Jurgens, Water Wastewater Director gave a presentation on the progress and current status of the Wastewater System Improvement Project. He introduced all the key members of the project. He stated they have all done the best possible job you could imagine. He went on to point out the specific areas and functions of the facility.

Mayor Coody: There are so many times in the public sector that jobs fall apart and after we brought this project back in house everything has been hitting just as we described here. I am real proud of you David and the folks on this team for doing such a splendid job.

Mayor Coody asked David Jurgens to compare the overall cost to what the anticipated cost would have been if they had not done the project in house and to show those figures in the future.

Mayor Coody also pointed out a Japanese magazine which featured Fayetteville Arkansas regarding the quality of life, sustainability and work on the environment. He stated I am very pleased about that.

Consent:

Approval of the May 6, 2008 City Council meeting minutes.

Approved

Bid # 08-39 Insituform Technologies, Inc: A resolution awarding Bid # 08-39 and approving a contract with Insituform Technologies, Inc. in the amount of \$330,000.00 for 2008 sanitary sewer main line and service lateral lining, cured in-place pipe method.

Resolution 104-08 as Recorded in the office of the City Clerk.

Bid # 08-42 Southwest Trailer & Equipment: A resolution awarding Bid # 08-42 and approving the purchase of one (1) light weight steel dump trailer from Southwest Trailer and Equipment in the amount of \$36,518.00 for use by the new Wastewater Treatment Plant; and approving a budget adjustment in like amount.

Resolution 105-08 as Recorded in the office of the City Clerk.

Bid # 08-43 Wiese Planning and Engineering: A resolution awarding Bid # 08-43 and approving the purchase of one (1) forklift from Wiese Planning and Engineering in the amount of \$24,803.00 for use by the new Wastewater Treatment Plant; and approving a budget adjustment in the amount of \$24,878.00.

Resolution 106-08 as Recorded in the office of the City Clerk.

Bid # 08-44 Arkoma Playgrounds and Supply: A resolution awarding Bid # 08-44 and approving a contract with Arkoma Playgrounds and Supply in the amount of \$34,214.00 for construction of a pavilion, sidewalk, and picnic tables at Gary Hampton Softball Complex; approving a project contingency in the amount of \$4,106.00; and approving a budget adjustment in the amount of \$50,000.00.

Resolution 107-08 as Recorded in the office of the City Clerk.

RJN Group, Inc: A resolution approving an Engineering Services Contract with RJN Group, Inc. in the amount of \$395,109.00 for a detailed sanitary sewer evaluation study in south Fayetteville and the City of Greenland; and approving a 5% contingency in the amount of \$19,800.00.

Resolution 108-08 as Recorded in the office of the City Clerk.

Fayetteville Public Schools Contribution: A resolution approving a budget adjustment in the amount of \$150,000.00 to the Fixed Assets Account and recognizing like revenue from the Fayetteville Public Schools for the installation of traffic signals at the intersections of Garland Avenue/Sixth Street and Starr Road/Mission Boulevard.

Resolution 109-08 as Recorded in the office of the City Clerk.

Pinkley Sales Company: A resolution approving the purchase of twelve (12) traffic signal preemption devices from Pinkley Sales Company in the amount of \$40,586.00; and approving a budget adjustment in the amount of \$12,000.00.

Resolution 110-08 as Recorded in the office of the City Clerk.

Movies in the Park Program: A resolution to approve a budget adjustment to recognize \$22,000.00 from the Community Development Block Grant Program for the Yvonne Richardson Center and \$2,500.00 from the Fayetteville Firefighters Association for the Parks Department "Movies in the Park" program.

Resolution 111-08 as Recorded in the office of the City Clerk.

Bid # 08-48 Video Production Switcher - Jim Lively & Associates: A resolution awarding Bid # 08-48 and approving the purchase of one (1) video production switcher from Jim Lively and Associates in the amount of \$30,548.83 for use by the Peg Center.

Resolution 112-08 as Recorded in the office of the City Clerk.

South Industrial Park Lot 28E: A resolution to accept approximately one acre from Lot 28E of the South Industrial Park to be attached to Lot 29E.

Mayor Coody: This item needs to be pulled from the agenda because we need to make an amendment.

This item was removed from Consent for discussion.

Alderman Jordan moved to approve the Consent Agenda as read with Item #11 South Industrial Park Lot 28E removed from Consent to discuss. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

Shirley Lucas: We need to thank the Rotary Club for their \$15,000 to the Gary Hampton Park. We appreciate you.

Nancy Allen: I would like to do the same thing with the Firefighters that is a very altruistic thing for them to do in a year when they did not get a salary hike. I am very appreciative of the fact that there will be that amenity for children who might not have it otherwise.

The following item was removed from the Consent Agenda for discussion.

South Industrial Park Lot 28E: A resolution to accept approximately one acre from Lot 28E of the South Industrial Park to be attached to Lot 29E.

City Attorney Kit Williams: The reason we needed to pull item #11 from the Consent Agenda is because the survey showed that there was more area that had ash in it and so the resolution needs to be amended as I have handed it out to you except everything will be attached to Lot 29E.

Alderman Jordan moved to amend the resolution. Alderman Thiel seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

Alderman Ferrell: When I was just reading through this it is recommended that it be covered in two feet thick clay which will cost \$125,000. Is that going to suffice?

Mayor Coody: I think we have some soil to use there.

Ray Boudreaux, Aviation and Economic Development Director: If we hired a contractor to provide that cap and put that soil on there it would probably cost around \$125,000. What we are planning on doing is using it from work order residue from the water and sewer projects that we are doing today and simply spreading it over the side. It doesn't have to be circular or anything like that.

City Attorney Kit Williams: This limited soil sampling analysis report talked about the 2.9 acres on lot 29E. We are now accepting more acreage than that. That cost would be higher to cover a larger area than just 29E. It's our ash and we generated the ash from our incinerator so it is our responsibility.

Alderman Jordan moved to approve the resolution. Alderman Thiel seconded the motion. Upon roll call the resolution passed 7-0. Alderman Gray was absent.

Resolution 113-08 as Recorded in the office of the City Clerk.

Agenda Additions:

Fayetteville City Council's Gratitude to Tim Conklin: A resolution to express the Fayetteville City Council's gratitude to Tim Conklin for his long years of effective, devoted, and valued service to Fayetteville.

Alderman Jordan: I would like everyone to sign this resolution.

Alderman Jordan read the resolution.

Tim Conklin thanked the Mayor and City Council. I appreciate all your support and funding and Mayor Coody for making planning a high priority of the City. It has been an honor and privilege to work for the citizens of Fayetteville, the City Council and the Mayor.

Mayor Coody stated we owe you a debt of gratitude. He went on to list some of the City's accomplishments during Tim's time with the City.

Tim Conklin complimented City staff and stated I really appreciate the City of Fayetteville. It is a great place to work and I think the future is bright for the citizens of Fayetteville.

Alderman Allen: We wish you well in Springfield.

Alderman Jordan: Sometimes this job is really hard for an alderman and we depend on the staff to be responsible and reliable. You have been that to me so thank you very much.

City Attorney Kit Williams: To make this official we need to suspend the rules and put the resolution on and then pass it.

Alderman Jordan moved to add resolution to the agenda. **Alderman Lucas** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Gray** was absent.

Alderman Jordan moved to approve the resolution. **Alderman Ferrell** seconded the motion. Upon roll call the resolution passed 7-0. **Alderman Gray** was absent.

Resolution 114-08 as Recorded in the office of the City Clerk.

Unfinished Business:

Hiring Freeze: Hiring Freeze Appeals:

Police Department – One Police Officer

Police Chief Greg Tabor explained the vacancy in his department. He requested that it be replaced.

Animal Services – One Animal Services Caregiver

Police Chief Greg Tabor explained the vacancy in the Animal Shelter. He stated it needed to be filled due to the additional overtime that is being paid.

District Court – One Part Time Court Clerk

Dena Stockalper, District Court Administrator explained the vacancy in the District Court and stated it is a very important position and we would like to get it refilled.

Telecommunications – One Telecommunications Engineer

Sharon Crosson, Telecommunications and Parking Manager explained the vacancy in the Telecommunications Division. She stated it is the only position in the whole city that handles the telecommunication needs and it would be well worth it to replace this position.

Alderman Ferrell: How long had the person in this position been there?

Sharon Crosson: Just under a year.

Alderman Rhoads moved to approve one Police Officer, one part time Court Clerk, one Telecommunications Engineer and one Animal Services Caregiver position. **Alderman Allen** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Gray** was absent.

Resolution 115-08 as Recorded in the office of the City Clerk.

Amend Chapters 151, 152 and 166: An ordinance amending Title XV: Unified Development of the Code of Fayetteville to amend Chapter 151: Definitions, Chapter 152: Administration and Chapter 166: Development in order to prohibit or regulate decentralized sewer systems within the city limits. *This ordinance was left on the First Reading at the April 1, 2008 City Council meeting. This ordinance was left on the Second Reading and then tabled at the April 15, 2008 City Council meeting to the May 20, 2008 City Council meeting.*

David Jurgens: We will get the white paper finished in staffing within the next week or so and then we will distribute it to the Water and Sewer Committee and see if we can have a discussion that way. We ask that this be tabled again.

Alderman Jordan moved to table the ordinance to the June 17, 2008 City Council meeting. **Alderman Ferrell** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Gray** was absent.

This ordinance was tabled to June 17, 2008.

RZN 08-2934 (Newell/Morton): An ordinance rezoning a portion of property described in rezoning petition RZN 08-2934, for approximately 0.37 acres, located at 1141 Hendrix 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 First Reading at the May 6, 2008 City Council meeting.*

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

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Current Planning reminded the council that this request is tied to a bill of assurance that has been offered by the applicant. He also discussed some of the neighborhood concerns that had been brought up.

Alderman Allen: Mayor, we have had three meetings with these neighbors and they are strongly opposed to this. They are afraid of the zoning change because several other zonings are coming up. For that reason I will not support this.

John Davidson, a citizen stated that in the 2025 Plan you want density and this is right down town. The house is in terrible shape. They are trying to revitalize and increase density thus utilizing the current infrastructure and no cost to the city. It is right in your 2025 Plan. I want to see more density. Unless you improve stuff like this we can't do it. We need the revitalization. We need to get rid of these old houses and build new nice ones.

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 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Alderman Cook: Planning staff asked the developers to go this route of rezoning as opposed to going through the other route as far as looking for variances because it is more of a public process. I appreciate staff doing that. This neighborhood has been through several zoning changes and they are squeamish about having any changes in their neighborhood. On the premise, any increase in density is just setting a precedent for forward decisions to be made. In some ways I completely agree with that. I think RSF-8 is a good zoning. The constituents that I hear from are very adamant and vocal and the bottom line is I am going to support the neighborhood on this decision. However moving forward they need to look at what they need to do to try to think about how these future decisions are going to be made.

Alderman Rhoads: I think now is the time and so I am going to support this.

Alderman Ferrell: I would like to point out that it was indicated that the Planning staff favors this and the Planning Commission voted 7-0. The neighborhood meeting alleviated some of the neighbors objections to the zoning and no public comments were presented at the Planning Commission meeting.

Alderman Allen: I think this neighborhood in particular sees themselves as infill and affordable housing. I am going to stick with the neighbors this time.

Alderman Lucas: We talked about that no one came to the Planning Commission meeting. These people have fought this for years and came to meetings and after a while you think this is my neighborhood, why do I have to keep coming back to protect my neighborhood. That is why you may not see these people at these meetings because they get a little tired.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance failed 2-5. Alderman Rhoads and Ferrell voting yes. Alderman Lucas, Jordan, Thiel, Cook, and Allen voting no. Alderman Gray was absent.

This ordinance failed.

R-PZD 08-2915 (Hill Place): An ordinance establishing a Residential Planned Zoning District titled R-PZD 08-2915, Hill Place, located at the southwest corner of 6th Street and Hill Avenue; containing approximately 27.10 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the First Reading at the May 6, 2008 City Council meeting.*

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

City Attorney Kit Williams read the ordinance.

Jeremy Pate: I passed out amended conditions of approval that the Council adopted at the last meeting and those are the only additions that staff has at this point. Staff and the Planning Commission are recommending in favor of this particular planned zoning district request with 37 conditions.

Alderman Thiel: Something that was brought up at the last neighborhood meeting we had was the people that are adjacent to the Brooks Avenue extension that are most affected by this would rather see that developed as a trail rather than a street extension. I am just wondering how the staff would feel about that as far as a recommendation for that as part of this plan.

Jeremy Pate: We discussed this when the Aspen Ridge project originally came through because it was essential for that project to have a secondary point of access because there was no planned bridge at that time. The bridge now provides a secondary means of access, so they will meet the Fire Department requirements of two points of access. From staff's perspective we feel that the connectivity and the distribution of traffic is an important component of this project. It is adding a number of residents within the area and distribution of traffic is always important so that all traffic doesn't go to one intersection to either Sixth Street or Hill. Our recommendation would stand. We have consistently recommended that street connection.

Alderman Thiel: To leave Brooks in place as a street.

Alderman Allen: This property will primarily be for the use of students and since we are encouraging walking and bicycling, that doesn't factor in changing your mind at all? The use of the land?

Jeremy Pate: I think so, we certainly are encouraging and hopefully students would take advantage of the fact that the University is that close by. I believe the applicants are trying to work with the University bus line to establish a transit stop near this area and utilize the trail once it is connected as well. We as a city can certainly encourage transit systems to continue and expand where possible and that will help with that issue.

Todd Jacobs with Appian Center for Design gave a summary from the three neighborhood meetings that were held. He thanked his project leaders for going the extra mile with the neighbors and trying to solve as many problems as possible.

Alderman Allen: As we consider this project can we think about Rochier Heights since we all know that what is developed above will affect what is below?

City Attorney Kit Williams: I think you can certainly consider any of the areas around especially if they have been developed or approved for development. You should keep in mind that our Engineering Department does it's best to insure that new development does not increase water flow over pre-development water flow. You certainly can consider that just like any other surrounding property in this area.

Alderman Thiel: What is the status of Rochier Heights? Is it far enough along that we can consider it.

Jeremy Pate: At this point in time there is not a project. There was a submittal for a multi-family project that we have not reviewed since Technical Plat Review so I am not sure if that project is coming back in that particular design or not. That project will be reviewed on its own merits and will be required to meet detention and erosion control on their site as well. Our ordinances will always apply to each one of those sites on a case by case basis.

City Attorney Kit Williams: I would say that if the project has not been approved then it would not be reasonable to consider what might go in there. It would be unfair to the person in front of you or for their project.

Robert Williams, resident of 957 S. Hill voiced his concerns about the project and the floodplain for that area. He displayed maps to the Council and pointed out aerial views of the project. He went on to speak against the project.

Matthew Petty with a non profit agency that raises awareness of social and technological changes that society has to undergo to be sustainable addressed concerns of various other citizens. He stated the Hill Place is not a conventional development and building this plan as it exists now would mitigate most of the existing stormwater problems except those that are caused by our most intense storms. He said he did not think it is time to approve the project yet. He went on to offer suggestions to improve the property.

Sarah Lewis, a citizen stated I recommend another reading because of the fact that it is in the floodplain. It needs more flood and stormwater controls that are environmentally friendly.

Todd Jacobs: We have gone above and beyond the City Code of Ordinances on stormwater. We have four other detention ponds onsite that we are going to retrofit.

Alderman Thiel: There was something said that there is more density. There is more density in the amount of units but my understanding was that this project reduces the amount of buildings.

Todd Jacobs: The old Aspen Ridge project had 39 buildings. This project has 17 buildings with three stories.. So you are getting a little more density but you also pick up your greenspace. You have 55% greenspace on this project where a typical RMF-24 project we would only have to keep 15%.

Jeremy Pate: There are no buildings within that floodplain you identified. The floodplain follows the creek there and what is identified in the tree preservation and deed restricted area actually goes beyond the floodplain in most cases within this development. There are some boundaries that are not encompassed entirely but based on my reading of these plans showing the 100 year floodplains identified by FEMA the structures nor parking is located within that 100 year floodplain.

Ron Petrie, City Engineer: This is classified as a Zone "A", which means there is no detail study, these are approximations. What we required some time ago, when Aspen Ridge was originally approved, was a detailed study so the detailed study that was shown on the plans doesn't match the Zone "A". The detailed study needs to be adopted in order to change the Zone "A's" in our FEMA floodplain maps. What we are going to require is the previous studies to be thrown away and redone. It is certainly not acceptable to me as your City Engineer. We are basing the floodplain today on is the previous detailed studies. That still has to be done to make sure that this engineer and our Engineering Division is in agreement upon where that floodplain actually is. There is some additional work that has to be done.

Jennifer Creel, resident of 1116 S. Duncan: I feel like Aspen Ridge should not have been approved in the first place. I can't see how this project is going to be helpful at all. The only thing I can say for this desperate situation is that these gentlemen have done the best they can. I advocate and beg for the trail. I can't say that I am for the development. I think the least thing is that we can have the trail and not the road on Brooks.

Michelle Rain, resident of Wilson Dunn Addition stated the reason she moved into the neighborhood was the small single family homes. She went on to voice her concerns about the density. She asked how does the density of 800 plus students moving into a residential neighborhood fit with our neighborhood when our neighborhood undergoes the same study and development plan that the Walker Park neighborhood went through.

Loren Hawkins, a resident near the site voiced her concerns about the project. What a rooming house would be like after ten years of students is a great concern of mine.

Dave Duncan, resident of S. Duncan voiced his concerns about the project. He stated there is going to be more development along Fifteenth Street both to the east and west in the future. He went on to address his concerns of speed tables within the development.

Aubrey Shepherd, a citizen voiced his concerns on the project. He asked the Council to build a trail along Brooks and in the rest of the right of way put in some natural soil and let nature restore it. He referenced a chart that showed between the Brooks extension a portion of Pinnacle Property that was cut off. He stated they discussed making it part of the nature park that we were working on saving at that time. He went on to discuss his concerns about the bridge, street, waterflow and floodplains.

Alderman Thiel: The flooding incidents that Aubrey referred to occurred years ago, we can't stop that. We cannot require a project to improve that. All we can do is require that they make it no worse. Some of the neighborhood wants Brooks turned into a trail instead of a street. I would like to make that amendment. I do not feel that there is a critical need to extend that and I would like to see that as a trail.

Alderman Lucas: If this is made a street, one of the concerns is the wetlands and that the water will get to the wetlands to replenish them. Is there a way to do that?

Ron Petrie: There is a way whether we have a trail or a street. We don't have those details worked out at this time. It all has to do with how much flow is needed in there and that is going to be a judgment call.

Alderman Allen moved to amend the Conditions of Approval to change Brooks from a street to a trail. **Alderman Thiel** seconded the motion. Upon roll call the motion passed 6-1. **Alderman Lucas** voting no. **Alderman Gray** was absent.

Alderman Allen: My suggestion is that we hold this one more time and give an opportunity to make reasonable suggestions and see if we can't come to some resolve remembering that we can't get back what it was.

Mayor Coody explained what the area looked like prior to Aspen Ridge. He stated it was in dire need of an overhaul.

Alderman Thiel: I am not sure why we need to hold this. We have had four neighborhood meetings on this. She went on to point out past concerns that have been resolved. She read a letter from **Alderman Gray** stating that she supports the development and that she thinks it will be a good for Fayetteville.

Alderman Ferrell: Ron, Did you say as planned this meets the code for drainage in the City of Fayetteville?

Ron Petrie: As planned today yes but there is a significant amount of work to be done before we would support it completely but at this point the requirements for a preliminary drainage report have been met.

Alderman Ferrell: Our Engineering and Planning Staff have demonstrated a tremendous amount of flexibility. There are a lot of people that have stake in this but you can't remove the fact that this whole thing is in the University of Arkansas watershed. I think we have some people that have things that can be addressed and some people that have things that can't be addressed. We need to do the best that we can. I will support this.

Alderman Lucas: When this floodplain study is done if there are buildings, this will change the placement of where those things are. So you will be the authority on that for the City is that right?

Ron Petrie: It will also have to gain FEMA's approval. They will do their own independent review of the study.

Alderman Lucas: I too have met the people down there and they are wonderful. I know how they feel about this and it really concerns me. There is already erosion at Rochier Heights. There is water coming down from there that is going to have to be controlled. I appreciate the input that the neighborhood has. I don't want us to have another situation like that, that is going to compound the problems down there. I trust our Engineering and Planning Department to really watch this project. I will support it.

Alderman Thiel: I think I will leave it on the second reading.

This ordinance was left on the Second Reading.

Bridgedale Plaza Appeal: An ordinance establishing a Commercial Planned Zoning District titled C-PZD 08-2904 Bridgedale Plaza, located at the southeast corner of Highway 16 East and River Meadows Drive, containing approximately 15.95 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 May 6, 2008 City Council meeting.*

Alderman Ferrell moved to suspend the rules and go to the third and final reading. **Alderman Lucas** seconded the motion. Upon roll call the motion passed 6-0. **Alderman Thiel** was absent during the vote. **Alderman Gray** was absent.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the project. He reminded the Council of the amendments that were made at the last City Council meeting.

Dave Jorgensen introduced several members of the project team. He stated we have made numerous changes to this project to make it acceptable. He went on to elaborate on the phasing process. He also spoke on the traffic study. He stated when we hired Peters and Associates to do the traffic study we did not ask them to come up with results that showed we did not need a traffic light at Roberts Road and at River Meadows Road. He read a summary of the traffic

study report which did not recommend traffic signals. He stated we are serious about our low impact development not only in the residential area but also in the storage area.

Sarah Lewis with Springline Consulting Group stated we have been working with Clint McDonald and the Bridgedale Group to incorporate the low impact development stormwater technologies in the commercial area and the storage areas and then helping them maintain a lot of the trees and greenspaces around that exist currently. She gave a brief history of the project. She stated I feel strongly that they are committed to these stormwater technologies.

Bruce Dunn, a resident of 1629 South River Meadows Drive first commented on the excellent job the City Staff did during the Joe Martin Stage Race. He then went on to voice his concerns about the project. He said if you approve this then you are setting a precedent for going to other developments and allowing them to do this. He brought up the negative impacts that bringing this project to this area would have on the area.

Jim Luper, a citizen spoke on behalf of the neighbors. He spoke on the need for amenities however he felt that this was not going to solve that issue. He stated there are six storage facilities in less than five miles of Stonebridge. He went on to speak on the existing commercial developments in the area. The homeowners presented over 30 pages of facts and questions along with the downsides of this project. We had a petition from the residents of Stonebridge. He stated no one in that neighborhood has come forward in support. He stated there is an overwhelming majority against it. We ask that you turn this down.

Jacob McClusky, a citizen stated I was the one that did the petition. He stated this project will affect more than one neighborhood and this petition was done in areas around Stonebridge. This small initial people are opposed to it but there are a lot of other people out there that aren't. The other businesses want to see more businesses and make more money. I would like you to think about that too. This will affect a lot of people in a big area.

Alderman Thiel: Ron, the issue about the flooding on the Robert's Road side, would any developer of this project be required to do a certain amount of that or is this developer doing something that would not be required of another developer?

Ron Petrie: I would say for this situation they have agreed to take all their stormwater to the White River where it would have a negligible effect. That would probably eliminate the requirement for them to do any improvements off site in that area. It is probably above and beyond what would be required.

Alderman Thiel: We could not require this of the next project?

Ron Petrie: Only if they discharge in that direction.

Alderman Thiel: I had a request from someone in the Stonebridge neighborhood to leave this on this reading until the other City Council representative for that neighborhood is back. You are saying that you would like for us to make this decision tonight. So I am a little confused about what the neighborhood wants.

Alderman Jordan: The storage buildings, if we were doing a PZD in a C-2 what would be the normal square footage of them?

Jeremy Pate: Our ordinance states that warehousing and light industrial uses are limited to 5,000 square feet. This proposal is well beyond that at 114,000 square feet. When we looked at considering this in an industrial planned zoning district verses a commercial planned zoning district we made the decision to process it as a commercial planned zoning district even though it well exceeds that requirement simply because mini storage is not your traditional warehousing.

Alderman Jordan: So we are basically saying that it is about 25 times more.

Jeremy Pate: I would say so. We haven't had many industrial uses proposed in commercial districts in Fayetteville.

Alderman Allen: I have had a lot of mail about this and it has almost been totally in opposition. A storage unit is a storage unit and it is approved by conditional use. Perhaps this conversation has led us rethink where we will put storage units. If that is the case I hope we will implement the kinds of things that Springline has suggested. As long as it is a conditional use you don't approve something that has a storage unit in it.

Alderman Thiel: From the reaction I got from out there they don't want me to hold this.

Alderman Rhoads: What did Adella want?

Alderman Thiel: She did not make a statement about this one.

Alderman Rhoads: About holding it?

Alderman Thiel: I think she would like for us to hold both of these.

Dave Jorgensen: Adella called and said she was going on vacation and that she would like to be here to vote. That is fine with us.

Mayor Coody: Do you want to leave it on this reading or vote on it.

Alderman Jordan: That is up to the Alderman in that ward.

Alderman Rhoads: That is what we have always done in the past.

Alderman Thiel: I think we will wait.

Alderman Lucas: This is a big question so I think probably you are right. It is better to hold it.

City Attorney Kit Williams stated this is on the third reading so we need a motion to table.

Alderman Ferrell moved to table the ordinance to the June 3, 2008 City Council Meeting. Alderman Jordan seconded the motion. Upon Roll call the motion passed 7-0. Alderman Gray was absent.

A discussion followed on whether or not to reconsider tabling this and voting.

City Attorney Kit Williams: Anyone that voted in favor of a motion may move to reconsider.

After discussion the City Council agreed to leave it tabled until the next City Council meeting.

This ordinance was left on the Third Reading and then Tabled to the June 3, 2008 City Council meeting.

New Business:

RZN 08-2968 (Lazenby): An ordinance rezoning that property described in rezoning petition RZN 08-2968, for approximately 0.49 acres, located at 3390 West 6th Street from R-O, Residential Office to C-1, Neighborhood Commercial.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the item. He stated Planning Commission voted 7-0 in favor of this item and staff also recommended in favor.

Alderman Lucas: How far down do you recommend we go with Commercial. There are 2 ½ miles from I-540 to the Farmington City limits and if you put commercial on every corner we are going to have commercial all the way to Farmington.

Jeremy Pate: What we typically look at is our Master Street Plan and where those arterials are designated. For instance on Ruppel Road where it intersects Highway 62 that will likely be a viable location for commercial development. Old Farmington Road is the only collector street that intersects on that north side of Highway 62 between Farmington and I-540. Over the last five years that I have been here we have seen six or seven requests in this area. I don't believe any of them have been zoned C-2.

Alderman Lucas: What about the corner at Camelia that goes north. That is commercial.

Jeremy Pate: That is zoned C-1 also.

Alderman Lucas: That is just a little ways down from this one. We are going to go on down to Farmington. That is what bothers me about this. I like the R-O on this. We said we were going to try and keep that area from being a commercial strip all the way to Farmington and it seems like we have not followed through on that.

Jeremy Pate: A lot of the decisions predated you. They were made in the 70's when this property was annexed and it was zoned the highest commercial use.

Jeremy gave examples of other uses. He stated a lot of those decisions were made under different circumstances and future land use plans. So what we are trying to do now is follow through what our future land use plan is now.

Alderman Lucas: This was R-O wasn't it?

Jeremy Pate: This site currently is R-O.

Alderman Cook: Your comment about Old Farmington being the collector, is that intersection looking forward into future development? Is that going to be a major intersection along the highway there?

Jeremy Pate: The Ruppel Road intersection in my opinion is where a lot of that will occur. Old Farmington Road carries a lot of traffic and is a small street. You have approved projects recently that have helped improve that street section in certain instances.

Alderman Cook: But not commercial.

Jeremy Pate: Most of it has been residential along Farmington Road further to the north and east.

Alderman Jordan: I agree with Shirley. I have some problems with making this commercial.

Alderman Cook: I agree with the more intense zonings at intersections like that. That is what our 2025 Plan is looking for. My concern is that looking forward I don't feel like this intersection is going to be what our 2025 Plan looks like.

Barbara Stephenson, a resident near the property: Traffic has been a really big issue. This would not be a good thing for this particular neighborhood. For the last couple of weeks I have talked to my neighbors and they are all opposed to changing this particular one to anything other than office.

Laverne Cooper, a resident near the property voiced her concerns about the rezoning. She stated R-O would be much more compatible out there with the neighbors in residential. We are opposed to it being rezoned. It needs to remain R-O.

Dave Jorgensen, speaking on behalf of Bill Lazenby asked isn't right across the street on the northwest corner zoned C-2? Then south of it on the opposite side of it is C-2 and just east of it is C-2 so when our client asked about the possibility of going to C-1 I didn't think that was too far fetched. I thought the C-1 request was legitimate and would fit in with the surrounding C-2 properties. He has had several clients asking to put in businesses that would require C-1. That is how this came about.

Alderman Ferrell: Did you say on three sides it was surrounded by commercial?

Dave Jorgensen: Yes sir.

Alderman Thiel: Can a bar or a liquor store be located in C-1? That seems to be the concern of the neighborhood that either one of those go in.

Jeremy Pate: C-1 requires a conditional use but there are requirements about what is across the street.

Alderman Lucas: Is there not R-O across the street too?

Jeremy Pate: It looks like there is some R-O to the southeast and potentially to the north. Liquor stores are a part of a conditional use.

Alderman Thiel: So a liquor store could go in C-1?

Jeremy Pate: As a conditional use with certain restrictions. The condition for a conditional use for a liquor store there is supplementary regulations that do not allow it if on two sides there are residential zoning districts. We would have to look more into that to see if that would be permitted in this location. With regard to bars, they are not allowed, not even by a conditional use.

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 Gray was absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance failed 2-5. Alderman Rhoads and Ferrell voting yes. Alderman Lucas, Jordan, Thiel, Cook and Allen voting no. Alderman Gray was absent.

This ordinance failed.

VAC 08-2969 (Quality Lane Apartments): An ordinance approving VAC 08-2969 submitted by Crafton, Tull, Sparks & Associates for property located northwest of Quality Lane and Gregg Avenue to vacate a portion of a utility easement within the subject property.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5144 as Recorded in the office of the City Clerk

Forest Hills PZD Rezone Appeal: An ordinance establishing a Residential Planned Zoning District titled R-PZD 07-2793 Forest Hills, located at Wedington Drive, south of Salem Road, containing approximately 82.38 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief summary of the project.

In addition to the rezoning application there is also a Master Street Plan amendment. The Master Street Plan shows a collector street that would connect from the Mountain Ranch apartments south of Persimmon, north to the Links of Fayetteville planned zoning district which is currently under construction. That Master Street Plan was adopted by the City Council within the past two years. This proposal is to move that street connection and provide it with Salem extending through to the site. Staff is supportive of that concept but we feel that the connection to the Links intersection, which ultimately gets one to Ruppel, is important as well. Staff was not supportive of this planned zoning district. They found that it did not meet a majority of our goals and policies adopted by the City. The intensity and density is not what concerns staff in this particular project, it is the development pattern and the style of the lay out that has been proposed that is very much in contrast with what as a Council you have adopted in your City Plan 2025.

Jeremy explained the proposed planning areas for the project. He also went over the traffic counts for other proposed projects in this area.

Staff has listed items that could improve this project a great deal, most of which have been communicated to the development team since the inception of this project.

The next item on your agenda is the Master Street Plan amendment. We have made specific recommendations on that to amend the Master Street Plan from what it is currently showing to retain a connection to the Links of Fayetteville so that it would connect to Ruppel through this project.

Alderman Lucas: You are opposed to this because they did not mix the commercial and residential together?

Jeremy Pate: That is one way to put it. I think a better effort could occur in utilizing this property more efficiently and more effectively. Actually creating a community environment in which anyone of us would be proud to live in, walk down the sidewalk and utilize on a daily basis. We struggle with supporting a project that we know exactly what we are going to get. The drawings that Dover Kohl did show what we have now and what we should have. The point of City Plan 2025 is to encourage development especially zoning requests that are not a use by right.

Alderman Allen: Why did staff not feel that the Links, which is farer out, was sprawl and that this project is?

Jeremy Pate: Staff did not support the Links. That was one of the concerns that we had.

Alderman Cook: When you add the current traffic load and you add proposed projects including this development what level of service would that leave Wedington at?

Jeremy Pate: There is a range of traffic for this project depending on what uses go in. The traffic study indicated the most problematic areas were at the Salem and Wedington interchange.

Ron Petrie, City Engineer stated the traffic information is in the agenda packet, the level of service before and after proposed projects.

Hugh Earnest stated you are blessed with the best Planning staff that I have ever seen. He shared his thoughts on the Forest Hills application. He stated the end result of this project failed to meet the criteria laid out in the city neighborhood area. He briefly went over the criteria for the city neighborhood area.

Wal-Mart is a very large, very successful, and a very competent company. They use a design they are comfortable with and that has been proven in the market. You can understand that from their perspective. I think they can be persuaded to accommodate certain design changes to better meet City criteria. They have done it in other places. Please consider referring this back to the Planning Commission and staff with a clear understanding that significant changes will be made.

Alderman Allen: There was a comment made at the neighborhood meeting that led me to believe that Wal-Mart would be open to what Mr. Earnest said.

Alderman Jordan: That was brought up and they said they would consider that.

Laurie Smalling: When we first presented this to staff our neighborhood market actually faced a different direction than it does currently. We took a suggestion from staff to turn it. We need to work that out. We will be looking at adding as many sustainability aspects as possible.

Ms. Smalling spoke of some of the items they will be doing to make the store more sustainable.

Mayor Coody: I want to commend you because of your sustainability efforts. You have changed the world and made the business community worldwide, globally, realize that sustainability is a necessity not just a luxury.

Laurie Smalling: On the design of this we are in the early stages of what this neighborhood market will look like on the outside. We are just at the rezoning stage right now.

A discussion followed on the direction the building was facing previously. Laurie explained some of the problems they are facing with the project.

Steve Gilason, Outside Zoning Council for Wal-Mart: Wal-Mart is very excited about this location. This project will be much greener. He went over some of the sustainable items in the project.

Mayor Coody: I am assuming that everyone is in favor of the store. I think the question is, is this layout the best layout. The store is not being discouraged.

Alderman Cook: We required the Links to make a connection to Wedington. I think they want to make the connection at Salem. To me it makes more sense as far as the flow of traffic.

Jeremy Pate: Our current Master Street Plan shows a connection directly from the intersection of Golf Links Drive, which is the Links main road and Wedington down to the intersection of Mountain Ranch Boulevard. The applicants are proposing to move that connection to the east at Salem Road. I think both need to be made in order for traffic to function adequately. The biggest challenge that I have heard from the developer is that a portion of this site goes on Ozarks Electric property and they are not willing to sell them that portion or make that connection at this point in time. Planning Commission in the past has required off site street connections. That is not unheard of.

John Alfred, Managing Partner for Forest Hills addressed the issue of the connection with the Links. He stated to ask us to build a road or connection on property that we have no control over is not fair. He showed the Council what they are willing to do to provide connectivity. Our request is to amend the Master Street Plan to move the street over and make Salem the collector street. We will build all of Salem to Persimmon.

Mayor Coody: Since this is on Ozarks Electric property what are the options? Are there any options available to us?

Jeremy Pate: What they are recommending in the Master Street Plan amendment is simply to draw the line like we do on other projects. A very small portion of the project is on the Ozarks

Electric property now. This amendment would remove most of the responsibility of this property owner from our Master Street Plan and put it on the Ozarks Electric property. We feel that connection as adopted by the Council is an important connection to make the future connection to Ruppel Road which is the planned north/south corridor to get from the Mall to Farmington. I think for us to remove that Master Street Plan from this particular location is not advisable.

Mayor Coody: You have not asked them to do the improvements to connect up to the Links?

Jeremy Pate: No. We have not made any determinations or recommendations on any street improvements. All we have listed in our conditions was what the traffic study indicated would be possible improvements.

Mayor Coody: Staff has not asked you to do something that you can't do.

John Alfred: I do not know if that is accurate or not because if you read the staff report there are multiple comments about making a Links connection. We do not have any control over the land to make that connection. To make it a condition for the rezoning of this property is not tenable.

City Attorney Kit Williams: I don't think the City can require that as a condition.

Mayor Coody: Jeremy, are we requiring that as a condition of use?

Jeremy Pate: It is not a condition of approval of this project.

John Alfred: It was presented as though it was something that was necessary to make this project work. I don't think it is necessary.

Alderman Rhoads: I think it is something that needs to be clarified.

Alderman Jordan: This was shown at a Ward 4 meeting with about 60 people attending and all but three people were supportive of this.

John Alfred: There are some things that can not be changed, one of them is parking. We are adding a lot of landscaping and trees to this project.

Alderman Allen: What modifications have you made to the project since talking with staff?

John Alfred explained the modifications that have been made to the project.

Alderman Allen: Did you consider interspersing the attainable housing in with the more upscale housing?

John Alfred: I don't know that any of this is upscale housing. It is all pretty attainable housing. They run from approximately \$125,000. We want to protect the property rights with a home

owners association. Sometimes that is difficult to do when you mix the various uses. We have tried to provide a variety of housing units but at the same time do what we can to protect the property rights of those people that are going to buy homes in those particular areas.

Alderman Allen: In some of our more established neighborhoods we have effectively been able to inter mingle what we would consider attainable housing with more affluent homes. I don't like the idea of them being set aside. I appreciate that you are trying to do something with affordable housing.

John Alfred: All of the housing that is going to be built in this development is going to be attainable. It does not cost any more in Bentonville, Fort Smith or Van Buren than it does in Fayetteville. Land cost plays a big role in what the ultimate price is on any house. There are a lot of things that go into land cost. One of them is what does it cost to develop this property, how much did the property cost, how much of the property can you actually use in the development, if you buy 80 acres and you can only use 60 acres then your land cost goes up. It is something that needs to be considered carefully by the Council in how they receive developments. It is important that these developments be done correctly but at the same time it is important that we hold down the cost because the costs and fees that you have to pay to build a house goes into the price of a house.

Mayor Coody: Jeremy said that we would encourage more density and more commercial and residential use out of this land than what you presented. We would encourage you to get more value out of your land. We are not trying to hold you back by making you not do what you want to do. We are trying to encourage you to do even more on your land.

John Alfred: We talked with staff about building larger buildings, higher buildings in order to maximize land use. They discouraged us from doing that because of the other residential we are backed up to. We have tried to become denser. One of the arguments against our project is traffic and if I put more units out there I am going against myself. I would have more traffic and more parking with more units. There are some issues in trying to make it denser.

A discussion followed on the cost of the homes that will be in the project.

John Alfred gave a PowerPoint presentation on the project.

We will be building Salem from Wedington to Persimmon in the first phase of this project. We are ready to build this project now as soon as it can be approved. I think if you look at our project and you look at the 2025 Plan goals we meet most if not all of those goals. The project has several green areas. The housing is going to be attainable for most people. In the staff's application one of the questions that were posed is whether the application is compliant with all applicable statutory provisions. The staff's finding is that the application has been reviewed and found to be in compliance. The 2025 Plan is not the law it is only goals and we meet most of those goals. It is very difficult to build a project that is going to meet all the goals because without having complete design criteria I don't know that anyone could ever meet it. We have done our best to meet most of those goals.

Alderman Lucas: The condos and the townhouses are they going to be different or cookie cutters?

John Alfred showed the Council what they would look like.

Alderman Lucas: I think that is one thing we are concerned about in neighborhood type developments.

John Alfred: The condos will be different. They will not look like the townhouses or the garden homes.

A discussion followed on the number of town home units in the project.

Alderman Allen: What percentage of your entire project is green space?

John Alfred: We are required on the tree canopy to have 25% of the existing tree canopy remaining. That will come as part of the large scale development for each phase.

Alderman Allen: Jeremy did you feel that in our 2025 goals that making the traditional town forum is the most serious part of what he is not doing in this project?

Jeremy Pate: That is the most evident part to staff, the creation of a pedestrian friendly, walkable neighborhood.

Alderman Ferrell: What is the total investment that you are going to make when this is built out? I am wondering what kind of financial impact this will have on the community.

John Alfred: I think by the time this is all built out it will be over \$100 million. There are also many jobs being created. I think it is a significant number for the City.

Kevin Cortez, resident of Ward 4: I applaud the developer for developing a plan that is practical and that meets the needs of the people that live in Ward 4 and to continue to be flexible. It appears that he is trying very hard to meet most of your goals. I would encourage you to work with him on this. Some of the ways the developer is being asked to meet the goals almost reaches the point of benevolence. We can't expect our developers to be benevolent. They have to be profitable. There are many practical measures that he has taken to meet your goals and as a citizen I think it would improve the quality of life. This seems to make a lot of sense. I applaud the developer and encourage you to work with them and help them make this happen.

Aaron Wirth, Cobblestone Homes: We are building Phase 1 of the Mountain Ranch project which borders this project. We are excited about seeing this project there. The people that we are telling about his project their response has been very positive. We are in support of this.

Vince Massanelli, Washington County Farm Bureau: I have been in that area since 1992 and the services there are not available to the residents in that area. This project would greatly enhance the life styles of the residents of west Fayetteville. I highly support it.

Matthew Petty: I don't think anybody can disagree that a grocery store is needed on that side of town and no one can deny the value of the efficiency innovations they have been putting forward. As I look at the drawing I see good things and bad things.

He explained the items that he is concerned about with the project. He encouraged the Council to send this back for reconsideration.

Bill Faddis, Washington County Farm Bureau: I like this plan and it looks to me like it does meet a lot of the goals. It looks like it fits in well with what you have planned for the City.

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

City Attorney Kit Williams read the ordinance.

Alderman Lucas: If this passes for Salem to be all the way to Persimmon do we have to make an amendment?

John Alfred: I would not object to that. I told the Ward 4 people that we would build Salem from Wedington to Persimmon in Phase 1.

City Attorney Kit Williams: That should be a condition of approval. Would you object Mr. Alfred to making that a condition of approval?

City Attorney Kit Williams: Jeremy will you include that as a condition of approval.

This ordinance was left on the Second Reading

Forest Hills Master Street Plan Amendment Request: A resolution for R-PZD 07-2793 Forest Hills amending the Master Street Plan, realigning Golf Club Drive, a proposed north-south collector street, as described and depicted in the attached maps.

Alderman Jordan moved to Table the resolution to the June 03, 2008 City Council meeting. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

This resolution was Tabled to the June 03, 2008 City Council meeting.

Hiring Freeze Amendment: A resolution to amend Resolution No. 07-08 concerning the Hiring Freeze.

Missy Leflar: I was asked how the hiring freeze was going. Based on my observations and speaking with supervisors when you are short a person you are either going to have someone

work extra until a replacement can be found and it could involve overtime or someone is going to do the work of the missing person and their own work is not going to get done, or the missing person's work is not going to get done. Employees want to get the work done. There are naturally four or five weeks before you can fill a position. People are working later trying to get the work done and trying to keep the services up and they are getting farther behind on their work even though they are working later. That extra week or two can be stressful. I feel accountability is an important thing so if the Council were to consider doing away with the hiring freeze in its present form, for positions that have been approved in the budget and someone has quit or been terminated, and we are trying to replace a person, that the supervisor make an informational memo to the Council. I think it is a good thing for people to think do I need to fill this position and why.

Alderman Rhoads: I have faith that someone is not going to replace someone just because they can. They are going to replace somebody because they really need that person.

Alderman Ferrell: I agree with a lot of what Missy said. I don't agree with the resolution. I think a transfer or termination can be a dissuader. Someone may leave and it may not be necessary in a particular instance to fill them right away. I think the closer scrutiny we can pay the better off we are sometimes.

Alderman Jordan: When we were going through the budget the main complaints that I heard from the people was that they wanted to know what position was being filled and how much money the positions cost. They wanted that accountability phase of it. It does not take us that long to do this. I will not support the resolution.

Alderman Allen: I think accountability is the main reason I would find this problematic. We didn't pass the property taxes and decided we would suck in our own belts. I think we made a commitment to the citizens to let them know what we are doing. The few minutes that it takes each meeting is worth it. I know that makes lag time and makes some difficulty but I think it is something we should do to be accountable.

Alderman Rhoads: To me there is accountability which we have in the budget process and when someone gives us a memo about a position and then there is micro management and I think we are micromanaging. I have been involved on both ends of a whole lot of hiring freezes and I never liked it either way. You hire someone and say here is your job and here is your budget and if they can't do the job you find someone that can do the job.

Alderman Thiel: I agree with Alderman Rhoads. I think having a memo sent to us is very good. It has been our emergency personnel that we have discussed at almost every meeting. I don't think generally they are going to ask for somebody they don't know. We have budgeted for the personnel. The accountability is through the memo and the memo is a public record.

Alderman Allen: I am not a big micromanager. I think you make real good points. It just seemed to me that in this particular tight year if there is any way we can give information to the public I think we owe that to the citizens.

Alderman Rhoads: We have the budget screwed down about as tight as we can get it and therefore that has an impact on services. Not only is it micromanaging but it has an impact on services to the public.

Alderman Lucas: I appreciated your comments that the staff is becoming more aware and that they are very conscientious about the budget. I have been through hiring freezes and two layoffs. According to Paul we are not meeting our budget at this time. I feel we need to be accountable until we get to the point where I feel comfortable. I don't want to have a layoff.

Alderman Cook: I do not doubt the accountability from staff. I think it is more of an educational process for the citizens and for me. I know it is a pain for staff sometimes but I appreciate them coming before us to explain why they need the position and the value to them.

Mayor Coody: The memo that Missy said that we would do, which would do exactly the same thing, would it not suffice?

Alderman Cook: The public is not going to see that.

Mayor Coody: We give complements to the staff, we tell them how great they are, and what a good job they are doing. We don't add staff enough though we have a growing population of citizens. We are asking our staff to do more and more all the time with the same number of personnel. We are telling them what a great job they are doing except we don't trust you because we think you are going to screw us by hiring people when someone is fired or quits. We don't think you really need to replace those people so we are going to watch every move you make. We love you, we think you are great, we just don't trust you. I don't think the City Council trusts itself because the City Council is second guessing itself. We approved this in the budget process already. We don't add new positions but people are not stopping moving to Fayetteville, Arkansas. We have to produce more work for our citizens. Our staff is the best staff we can possibly have. Out of all the position we have brought forward the only one that we have not replaced is a part time parks patrol position. We are telling the staff to go through these extra hoops and hurdles for no real reason other than the fact that we want to control and to make sure the public knows we are doing a good job. The public knows the staff is doing a great job. The responsibility has been proven time and time again. I think it would be good to let the staff know that if we really believe in them that we should let them do their jobs as efficiently as possible without adding the extra burden of bureaucratic, time wasting stuff that goes with this hiring freeze. I think it is a tremendous waste of time and effort. For the staff I apologize for having people think you can't run your show the way you think it needs to be run. You have proven to me that you are a very good staff. We have the best staff and they kill themselves to be good stewards of the public's money and do a good job for the City and this is our return of thanks to them.

Alderman Ferrell: I don't think anyone ever said that Mayor. I think you are completely out of line and I resent the fact that you said we don't trust the staff.

Mayor Coody: That is just how it appears to me and the staff.

Alderman Ferrell: You need to take a good look at yourself before you start making accusations about us.

Alderman Rhoads moved to approve the resolution. Alderman Thiel seconded the motion. Upon roll call the resolution failed 2-5. Alderman Rhoads and Thiel voting yes. Alderman Ferrell, Lucas, Jordan, Cook, and Allen voting no. Alderman Gray was absent.

This resolution failed

Fayetteville Arts Festival Funding: A resolution to request the Advertising and Promotion Commission to fund the Fayetteville Arts Festival.

Daniel Keeley, President of Fayetteville Downtown Partners I am here to answer any questions that might come up.

Alderman Jordan: I was contacted by some of the arts community because they were concerned about the funding for the Arts Festival. I am bringing forward this resolution to ask the A&P Commission to reconsider their position on not funding part of the Arts Festival.

Daniel Keeley: The A&P Commission has been very cooperative. We did not apply for funding from them this year. They did not deny us; they did not offer funding to us because we did not apply for it. We could use it but we were not able to apply.

Alderman Lucas: Why not?

Daniel Keeley: We lost out staff this year. We are on a volunteer basis.

Alderman Jordan: Have you applied before?

Daniel Keeley: Yes, for several years. They gave us a grant last year.

Alderman Jordan: You are saying you didn't get the money because you simply didn't apply.

Daniel Keeley: I don't know if they would have given it to us or not but we did not apply.

Marilyn Heifner, A&P Commission: Last year we were down on the tax collections therefore the A&P Commission tightened their belts on their budget. After the fixed cost we have unallocated revenue. We give that unallocated revenue to special projects. This year we had 43 requests for money and we funded 22. As Daniel said they did not apply. We are working with them to do the visual arts part of the festival that we have had at the Town Center for the last three years. We are also helping them with their pre party, the big gala they have the night before.

We have funding requests in April and October. Those are the two times of the year you can come to the commission and ask for money from that unallocated revenue but there is no more

money in that un allocated revenue. When we have additional requests the only way we can do that is to go back and redo the budget for the A&P Commission. There are no extra funds in the budget this year.

Alderman Jordan: Has this been under the Downtown Partners in the past?

Marilyn Heifner: No. It is a special request that came to us from the Fine Arts Festival.

Alderman Jordan: So the Fine Arts people have come to you every year previously but they did not come this year.

Marilyn Heifner: Right. We gave them \$35,000 last year. They have been very good stewards of that money and I think they would probably have been in the running had they come to the commission again.

Alderman Allen: What was your full budget for this year?

Marilyn Heifner: \$2,035,000.

Alderman Thiel: What does that go for?

Marilyn Heifner: Town Center Bonds, Convention & Visitors Bureau and Clinton House Museum. The Town Center is self sustaining they make it from their operating money except for the bonds.

Alderman Ferrell: You are paying for the pre party and signage so you are making a contribution?

Marilyn Heifner: We are cooperating with that yes.

Alderman Jordan: How much is that?

Marilyn Heifner: About 500 people at \$25 apiece.

Alderman Lucas: How much is your unallocated budget?

Marilyn Heifner: This year it was \$151,000.

Alderman Lucas: That is all you have to promote advertising and promotion of Fayetteville other than the Town Center, Clinton House and the Visitors Center.

Marilyn Heifner: Out of the \$2.035 million about \$700,000 goes to bond indebtedness on the Town Center bonds. We have \$375,000 in advertising and about \$150,000 in brochures, maps and things we do to promote the City so we can bring other visitors in.

Alderman Allen: Is it the Board's responsibility to decide how the money is allocated?

Marilyn Heifner: The A&P Commission. There are a set of guidelines that we work within. There are certain things we can spend money for and there are certain things you can't spend money for.

Alderman Allen: That could be flexible. It does not have to be the same thing each year.

Marilyn Heifner: The Commission decides how that money is spent.

A discussion followed on how the board members are selected.

Alderman Lucas: What is the amount of tax that you get?

Marilyn Heifner: \$2,035,000.

Alderman Lucas: Salaries come out of that also?

Marilyn Heifner: Yes.

Alderman Jordan: My concern is the Arts Festival. They have a couple weeks to raise \$35,000 and they don't have it. It would be real easy for Bentonville or Rogers to pick up the Arts Festival and I personally do not want to lose it. That is one of the reasons I brought the resolution forward.

Alderman Allen: What could we do for them? What are some options?

Casey Hamaker: This is my fourth year to be involved in the Fayetteville Arts Festival. I appreciate Mr. Jordan doing this for us. In the past we had staff from the Fayetteville Downtown Partners and this year we do not have staff. We got together as a group of concerned citizens to try to get this together. We had a successful fund raiser this past Saturday and attracted quite a bit of community attention. We are making efforts to make this happen. We feel with this additional \$35,000 we can put a pretty big dent in our budget and make this the Arts Festival that Fayetteville deserves.

Alderman Rhoads: What is your budget for the festival and how much have you raised?

Casey Hamaker: Our budget for the festival this year is \$54,000 and expenses. We are anticipating about \$16,000 in revenue. Of that revenue is part of our collaboration with the Town Center. The open space art party tickets and the booth fees that visual artist provide will go to the Fayetteville Town Center. This is a two weekend festival. There is the visual arts component over Labor Day weekend and then the performing arts portion over the first weekend in September. We have raised about \$9,500 of that \$54,000.

Alderman Lucas: We are really promoting the arts in Fayetteville. This resolution is simply asking if the A&P Commission will consider this.

Alderman Allen: If that is not possible, I think we all feel such a commitment to this that I hope we will look at other possible ways to help this group. I think we need to try to find some way to be more supportive.

Alderman Thiel: Didn't we have this discussion about funding the Downtown Partners a year or so ago and we decided to not continue funding them?

Alderman Rhoads: They were to be self sufficient.

Alderman Thiel: So if we were still funding them I don't know if we would be having this discussion. The City made the choice, this Council made the choice not to fund this. I have no problem asking if the A&P Commission will fund it.

City Attorney Kit Williams: I think the resolution should be amended. The last clause should say *the A&P Commission has not funded the Arts Festival* instead of denied funding. In section one we should *urge them to consider funding* instead of reconsider funding.

Alderman Jordan moved to amend the resolution as stated by City Attorney Kit Williams. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

Julie Gabel member of the Fayetteville Arts Council: I want to thank Marilynn Heifner. She and her staff have been so helpful in trying to help us make this work and shape the first weekend of the festival and helping us out with the Town Center. They have bent over backwards to help us. Besides that help we need more help and more funds to be able to pull this off. If Fayetteville has found it important enough to have an Arts Council we need to make that a priority. If it can not come from the A&P Commission then we would like to ask you to help us figure out creative ways to make this happen because we really hate to lose our local artists. We want to be the vital source that we should be in Northwest Arkansas.

Mayor Coody: We pay a lot of tax payer money to fund events that are run by volunteers. The volunteers do as good of a job as they can. Some cities fund an events coordinator for the City. The City of Fayetteville could hire a staffer full time that would make more money than it would cost to hire them and we would not have to go through this year after year. Every year we are putting public money toward this effort and it is hit and miss, if we spent the same money every year on a staff person we could grow this thing to where that pays for itself and we would save money in the long run. We would have a more effective Arts Festival and Arts Council. I hope one of these days the City of Fayetteville will make that move. It would be a huge help.

Julie Gabel: This is the first year in three or four years that there has not been staff to do this. This is the first year in several years that it has been volunteer driven. We are reinventing ourselves and trying to figure out a way for this to happen. I think that might be a really good long term solution.

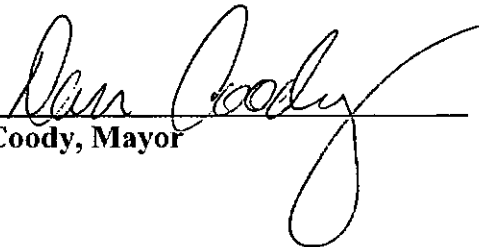
Alderman Lucas: In some cities a member of the A&P staff does the festivals.

Alderman Ferrell: I hope that the Arts Festival fairs well but I can't support this.

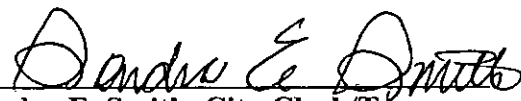
Alderman Allen moved to approve the resolution. Alderman Thiel seconded the motion. Upon roll call the resolution passed 6-1. Alderman Ferrell voting no. Alderman Gray was absent.

Resolution 116-08 as Recorded in the office of the City Clerk.

Meeting adjourned at 11:40 PM



Dan Coody, Mayor



Sondra E. Smith, City Clerk/Treasurer