Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Sarah E. Lewis

City of Fayetteville Arkansas
City Council Meeting Minutes
April 7, 2009

A meeting of the Fayetteville City Council was held on April 7, 2009 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

PRESENT: Alderman Gray, Thiel, Cook, Petty, Ferrell, Lucas, Lewis, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Rhoads

Pledge of Allegiance

Fayetteville High School Bulldogs Congratulations: A resolution to congratulate the Fayetteville High School Men's and Women's Varsity Basketball Teams on perfect, undefeated, State Championship Seasons.

Mayor Jordan congratulated the Fayetteville High School Men's and Women's Varsity Basketball Teams on their State Championship.

City Attorney Kit Williams also congratulated the accomplishments of the basketball teams and read the resolution.

Mayor Jordan asked for comments.

Coach Barry Gebhart: This is a great honor and we accept this resolution. It is with great pride that we represent not only the Fayetteville High School but the City of Fayetteville. We are honored with this tonight.

Coach Bobby Smith: On behalf of the Lady Bulldog basketball family we'd like to thank the City of Fayetteville and the Council for this remarkable award. It is truly a good day to be a Bulldog in Fayetteville.

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

Resolution 65-09 as Recorded in the office of the City Clerk.

Mayor Jordan presented the Fayetteville High School Men's and Women's basketball team coaches with the resolutions.

Mayor's Announcements, Proclamations and Recognitions:

Fayetteville Bulldogs Proclamation

Mayor Jordan read the proclamation and presented the proclamation to the coaches.

Presentations, Reports and Discussion Items:

Botanical Gardens of the Ozarks Annual Report:

Bill Dollar, President of the Botanical Gardens of the Ozarks, thanked the City Council for their support and invited them out to visit the gardens. He introduced Sarah King, Director of Community Programs and Walt Eilers, Vice President of the board. He stated that Phase I is complete and 30,000 people have visited the gardens (37 states and 5 countries). A copy of the report is attached.

Mayor Jordan asked for any comments.

Alderman Lucas: I can't believe it's been such a short time and you have such a beautiful place out there already. I encourage everyone to go. We have taken so many out there and they are just amazed at the treasure we have out there. I want to thank you for what you've done.

Bill Dollar: Thank you. It has been done by the generosity of so many people, staff, volunteers and all the people that have come to see the garden be a success. It is a jewel for Northwest Arkansas.

Alderman Lewis: It seems like a model of exactly what we are trying to do here in Fayetteville to initiate volunteerism and a really good example of the economic development that we would like.

Mayor Jordan: They are doing a wonderful job. It is absolutely one of the crown jewels of the City.

Consent:

Approval of the March 17, 2009 City Council meeting minutes.

Approved.

Bid # 09-14 Rick Pershall Building Co.: A resolution awarding Bid # 09-14 to Rick Pershall Building Co. in the amount of $23,632.30 for replacement of the Solid Waste Transfer Station tipping floor; and approving a contingency in the amount of $5,000.00.

Resolution 66-09 as Recorded in the office of the City Clerk.

Bid # 09-21 Pollution Management, Inc.: A resolution approving a construction contract with Pollution Management, Inc. in the amount of $19,680.00 for removal of underground storage tanks at the Noland Wastewater Treatment Facility and approving a contingency in the amount of $5,000.00.

Resolution 67-09 as Recorded in the office of the City Clerk.

Garver Engineers, LLC Amendment No. 3: A resolution approving Amendment No. 3 to the contract with Garver Engineers, LLC in an amount not to exceed $253,588.00 for bidding and construction phase services for Mount Comfort Road Improvements Contract 2, from Alpine Avenue to Rupple Road.

Resolution 68-09 as Recorded in the office of the City Clerk.

Department of Homeland Security Assistance Grant: A resolution authorizing the Fayetteville Fire Department to apply for a Department of Homeland Security 2009 Assistance to Firefighters Grant in the amount of $200,000.00 for purchase of a Mobile Multi-Trainer System.

Resolution 69-09 as Recorded in the office of the City Clerk.

U.S. Department of Justice's Bulletproof Vest Partnership Program: A resolution approving a budget adjustment for the Fayetteville Police Department in the amount of $7,339.00 to recognize grant revenue from the U.S. Department of Justice's Bulletproof Vest Partnership Program.

Resolution 70-09 as Recorded in the office of the City Clerk.

Community Development Block Grant (CDBG): A resolution authorizing the Mayor to execute the Community Development Block Grant (CDBG) agreement for 2009 in the estimated amount of $635,930.00.

Resolution 71-09 as Recorded in the office of the City Clerk.

Operations Management International (OMI) Amendment No. 16A: A resolution approving Amendment Number 16A to the contract with Operations Management International (OMI) in the amount of $61,819.73 for operational expenses incurred as a direct result of the January 2009 Ice Storm.

Resolution 72-09 as Recorded in the office of the City Clerk.

Arkansas Department of Aeronautics: A resolution authorizing the Fayetteville Executive Airport Staff to apply for and accept an amended 80/20 grant in the estimated amount of $102,000.00 from the Arkansas Department of Aeronautics to fund the Terminal Building HVAC Repair Project; and approving a budget adjustment recognizing the grant revenue.

Resolution 73-09 as Recorded in the office of the City Clerk.

Cops Hiring Recovery Grant: A resolution to approve the 2009 COPS Hiring Recovery Grant application.

This item was removed from the Consent Agenda and placed in New Business.

Bid # 09-30 Drake Field HVAC Controls Upgrade: A resolution awarding Bid # 09-30 to Multi-Craft Contractors, Inc. in the amount of $117,300.00 for Drake Field HVAC Controls Upgrade; approving a project contingency in the amount of $12,336.00; and approving a budget adjustment in the amount of $42,306.00. ***This resolution was Tabled at the March 17, 2009 City Council meeting to the April 7, 2009 City Council meeting.***

Resolution 74-09 as Recorded in the office of the City Clerk.

Solid Resources, Inc. Change Order No. 2: A resolution approving Change Order No. 2 to the contract with Solid Resources, Inc. to increase the contract amount by $269,521.00 for additional debris removal monitoring and oversight associated with the January 2009 Ice Storm; approving a contingency increase of $40,428.00; and approving a budget adjustment in the amount of $309,949.00.

Resolution 75-09 as Recorded in the office of the City Clerk.

DRC Emergency Services, LLC Change Order No. 2: A resolution approving Change Order No. 2 to the contract with DRC Emergency Services, LLC in the amount of $200,000.00 for additional debris removal associated with the January 2009 Ice Storm; approving a contingency increase of $30,000.00; and approving a budget adjustment in the amount of $230,000.00.

Resolution 76-09 as Recorded in the office of the City Clerk.

Alderman Cook moved to approve the Consent Agenda with Item # 10 Cops Hiring Recovery Grant removed from the Consent Agenda and placed in New Business. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

Unfinished Business:

Amberwood Place Appeal: An ordinance establishing a Residential Planned Zoning District titled R-PZD 08-2965, Amberwood Place, located south and east of Double Springs and Dot Tipton Road; containing approximately 39.98 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan. (*This ordinance was tabled at the September 2, 2008 City Council meeting to the September 16, 2008 City Council meeting. This ordinance was tabled at the September 16, 2008 City Council meeting to the October 7, 2008 City Council meeting. This ordinance was left on the Second Reading at the October 7, 2008 City Council meeting. This ordinance was left on the Second Reading and then tabled to the December 2, 2008 City Council Meeting. This ordinance failed at the December 2, 2008 City Council meeting. This ordinance was Re-considered at the December 16, 2008 City Council meeting and then Tabled to the February 3, 2009 City Council meeting. This ordinance was Tabled at the February 3, 2009 City Council meeting to the March 3, 2009 City Council meeting.) This ordinance was Tabled at the March 3, 2009 City Council meeting to the March 17, 2009 City Council meeting.* **This ordinance was Tabled at the March 17, 2009 City Council meeting to the April 7, 2009 City Council meeting.**

Jeremy Pate, Development Services Department Director presented an overview of the project. He explained the planned zoning district concept. He said if approved the applicant would be required to come back through a large scale development or a final plat process which we review in very specific details in terms of drainage, street width and other details. He talked about some of the revisions and the available green space. He also said they were encouraging within the PZD that open space be utilized like community gardens, etc. The project would include 407 single family dwellings and 38 two family dwellings which was a density of 3.6 units per acre. He said that staff is in support of the project and that the changes that occurred since the onset are substantial which include trails, parks, bio-swales, rain gardens, and storm water to be approved by drainage review. There are 30 conditions of approval.

Mayor Jordan asked for comments or questions.

Alderman Lewis: What about phasing? Is there phasing?

Jeremy Pate: There is a phasing plan and the applicant would better explain it.

Mayor Jordan asked for public comment.

Justin Jorgensen, Jorgensen and Associates gave the history on this project and how they got to this point. He compared the original plan with the new plan and spoke about the purpose of being behind the conservation neighborhood. He thanked the staff and said he was proud to be presenting a conservation neighborhood and use of low impact development strategies inline with the City's goals of sustainable development. He felt the project meets the needs of today's market and focuses on the City of Fayetteville's 2025 goals.

Mayor Jordan asked for questions from the Council.

Alderman Ferrell: A survey made by the U of A Research Survey Center for the City of Fayetteville showed a strong interest in seeing more affordable houses and more houses for first time buyers. Seventy percent of the responders said there were too few options for first time buyers and 79% of the respondents felt there were too few affordable units. I think that this is exactly what you all are trying to do. I think that's what we need and thanks for being able to be flexible and get this together.

Alderman Lewis: Thank you for your hard work. I appreciate all the changes and would like to add that what I notice is the ability to reduce the infrastructure. The hard conventional infrastructure is what is allowing some of the more affordable housing and saves money. You're going to be using some eco system services to allow for that and I think that's very innovative. I appreciate that. I have questions about phasing. Are you going to move in a certain direction? Are you going to leave it alone and then only develop parts? I know a lot of people get tired of seeing these strips of red earth left raw. That's why I'm asking about the phasing.

Justin Jorgensen said included in the packets were some plans for phasing which shows what they are going to do on phasing. He stated the middle section is going to be the primary goal because water and sewer is already available which means less disturbed area and it minimizes the amount of work. With the market as such they don't have to come in all at once and disturb the whole site. So you won't have these areas of red dirt sitting waiting for a house to be built on it.

Alderman Lucas: It's been a long time coming. I don't know how long ago it was that we were talking about affordable housing. I know I met with Charlie several times talking about affordable housing. This is really a fantastic thing that you have come up with and I appreciate the staff working so hard and you all working so hard to achieve this. It's going to be wonderful. We need this type of home there. The thing I like about it is that it's not going to be a cookie cutter type thing. It's going to have different looks and that is great. I would like to mention that at first there was an opponent to it who lived not far from this property. Charlie and he worked together and he came around to be one of the strongest supporters of it. He came to many meetings in support of it and unfortunately he passed away a couple of weeks ago. Otherwise I'm sure he'd be here tonight because he was in favor of this. I think on the street overlays this year is Dot Tipton Road so working with Charlie maybe we can get it complete. I hope. Thank you very much and thank you Jeremy for working so much with him.

Alderman Petty: Well first off I'm pretty impressed. I wanted to thank Mr. Sloan for one thing. We took a tour out there and he went to the effort to be onsite and provide us with updated materials while we were on tour. I really appreciated that. I was a little concerned whenever I first saw the project because it's so far out on the edge of town. I think that as we look towards the future something that I'm worried about is, are we going to be able to continue to provide food to our community cheaply and effectively? I know that this was used agriculturally before so I'm happy to see that you have gone to such lengths with the orchards and the community gardens and things like that. I think you might be able to use another community garden but that's just me. Are you going the extra mile to encourage your prospective property owners to participate in the community gardens or are they just kind of there?

Charlie Sloan, developer: We will encourage the community gardens use and have discussed it with Alderman Petty and at the Parks meeting. There's interest in community gardens but we are concerned about how long that interest will last. We will put together the basic part of it and get it started.

Alderman Petty: Good. I'm happy to hear that. I think that you are in a unique position to provide some education and to encourage people to participate in that way. So I'm happy to hear that.

Charlie Sloan: I talked Mr. Tipton and told him we might need some help with the gardens. He said he would come over and if they do the work he'd tell them what to do.

Mayor Jordan asked any other questions or comments and for public comments.

Edwin France, a resident west of the project said he thought it was a pretty good plan before and liked the new plan even better and voiced his approval.

Mayor Jordan asked for any other comments from the public.

City Attorney Kit Williams: This was actually reconsidered and so it was read fully three times. It was put on the third and final reading and failed. Then there was a motion to reconsider made and it was reconsidered. The only thing you might want to do is formally amend the booklet because the initial booklet and all the terms and conditions of that one have now been changed. Even though that's not part of the ordinance I think it might not be bad for you to formally accept the new design instead of the old one.

Alderman Lucas moved to amend the project to the current plan. Alderman Lewis seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

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

Ordinance 5230 as Recorded in the office of the City Clerk.

Newspaper Publishing: A resolution to limit newspaper publishing to only legally required items. *This resolution was Tabled at the March 17, 2009 City Council meeting to the April 7, 2009 City Council meeting.*

Alderman Cook: I apologize that you're just now getting this information that I promised last week. I'm sorry about that. Last time we talked about this I told you I'd bring back some numbers as far as what we're spending, where we could save, and some of the ideas I had. The top of your sheet lays out as far as the Clerk's office, the Planning office, and Solid Waste what they spent the last three years on advertising.

Those three combined in 2006 spent about $25,500.00, 2007 $17,800.00, and 2008 $17,001.00. In the Clerk's office my recommendation would be eliminating advertising the Final Agendas and also eliminate the Board and Committee openings.

From the Planning side, from talking with Jeremy, out of his costs probably about 10% of those would have to remain as far as public notices that are required. So that's were I came up with the number at the bottom. I've got the potential savings lined out.

In Solid Waste they currently advertise six days in advance of each of the holidays. What I recommend there is cutting back on that to three days or potentially since they run all the time we could always look at the possibly of just running an ad when they are not running their regular routes. I am suggesting cutting back to three days right now.

The potential savings in 2006 could have been about $21,000, in 2007 $13,500, and then last year a little over $13,000. I broke that out as General Fund savings and Solid Waste Fund savings. The Planning part has certainly gone down, that's due in part to the development falling off. As far as Planning that's what most people are concerned about but they are still going to be required to advertise any zoning changes, UDC adjustments, BOA agendas, PZD's, and any annexations. They'll still post the signs on the sites and notify the adjacent property owners so that those items won't change. We'll just be eliminating a lot of their agenda items. Those are my suggestions as far as what could potentially change.

Mayor Jordan asked for questions.

Alderman Lewis: Are these suggestions or if we pass or don't pass it, would this be it?

Alderman Cook: That's one thing I meant to ask Kit about before I came in here. I apologize Kit. I don't want to make it a requirement necessarily but I want to give each of these divisions the option to at least make these changes. We have been cutting budgets since I've been here and this will give them a little bit of wiggle room in their budget moving forward. I don't want to say no you can't do that but I just want to give them the flexibility where they don't have to do that.

City Attorney Kit Williams: In your resolution, it does say "requests" the City to do this. That certainly makes it optional and if you want to you could formally refer to your sheet you just handed out with the potential savings. Just say, as noted on the attached exhibit, and that would certainly give the city staff guidance on what you want to do.

Alderman Cook: If people are uncomfortable with making the change let's give it a whirl for at least six months or so and see how it goes and see how the citizens are affected. At least give it a try would be my request.

Alderman Gray: Have you discussed with the newspaper whether or not there will be any change in our rate.

Alderman Cook: I did not. I know you asked me that the last time. I did rough numbers and based on the numbers that we were given I don't think it's going to affect the rate.

Alderman Lewis: Since it would be a trial, if moving forward they find out that there is a significant impact, then that can be accounted for seems like. Correct?

Alderman Gray: I feel that if there is a significant change we need to know.

Alderman Cook: The Clerk gets the agendas out by email notification and they are on the City's website. We web cast these meetings and also they are on the government channel. There are other options out there from the Clerk.

Alderman Thiel: Well, I feel like this is a good thing that we have. The advertising allows people to keep up with what's going on in the City in different medias because different people use different medias. I know some of the younger folks here are really into computers and many people are. I've had some calls from people saying we can't afford a computer. We can't afford the internet. We can afford the newspaper and we get it. They really oppose this change. That doesn't really come out real clear in this resolution that this is a trial. I guess we can just wait and see if people complain and then one of us can bring this back again. I probably will vote against it just based on the contacts I've had. It's probably worth the try but I'm obviously voting for my constituents.

Alderman Ferrell: Kyle I think I support you. I haven't had any calls from any constituents. Would you be opposed to dressing this resolution up a little bit and waiting or do you want to vote tonight? I'm supportive. I would just like to have it a little clearer about the option. If you don't want to wait we can vote.

Alderman Lucas: Can't Kit fix that up tonight?

City Attorney Kit Williams: I think probably we could make the resolution a little more clear about what you're recommending for the potential savings. If you wanted to wait until the next meeting we could.

Alderman Ferrell: And a trial basis. If you want to go tonight I'm ready.

Alderman Cook: That's fine. I guess let's be clear on what you want to see then.

Alderman Ferrell: I would just like to see it say a trial basis and what you've got here in the summation. It would be easier for me to read that way. I'll support it either way but I'm just asking for that.

Alderman Lucas: I haven't had any calls either. I have had people say to me that they can't read the ads in the paper sometimes because it's so small. They do better by looking at it on TV. On the government channel they run the agenda before each meeting and several other times because I've seen it myself. I'm in support of this however we do it.

Alderman Petty: Well I guess I might be somebody that thinks we should vote on this tonight. I think we can amend it tonight to say that this is a trial basis and formally say that we'll revisit this at a specific time perhaps with reports from staff on the money that they saved compared to the same months last year or something like that. I don't see any reason we couldn't amend that tonight to vote on it.

Alderman Cook: Let's give it a whirl then. I'll make an amendment that we revisit this in six months and gauge the public comment from each of the divisions that are affected. We can review it at that point and see if we want to continue. Can we attach this as an exhibit and make that part of the amendment?

Alderman Lewis: The matrix for deciding if it's successful is staff reports? Is that what we are saying?

City Attorney Kit Williams: My recommendation is you just revisit within six months and don't try to decide what you're going to look for.

Mayor Jordan asked for public comment on the amendment. Having no public comment on the amendment it was brought back to Council.

Alderman Cook moved to amend the resolution to revisit it in six (6) months. Alderman Petty seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

Jonathan Gibbs, a student at the University of Arkansas, spoke against the proposal. He thought Alderman Thiel was being modest when she spoke about the proposal and also thought Alderman Ferrell was right in talking about the amendment and that it was unclear what they were trying to say. In Northwest Arkansas you have public interest in what is going on in local government. We are at a point in Arkansas's history where we need to be ready for the public to be interested in what we are doing. He asked the Council not to pass this resolution.

Alderman Lewis: I think you make a really good point. It seems like it is an effort to save funding while also cleaning it up a little bit. I want there to be a movement towards diversity in our communication, not a cutting back on it, not a reduction by any means. I think that if we reduce our funding here and maybe even use that available funding for increasing text messaging, Twittering, Facebooking or whatever it takes to diversify that.

Alderman Petty: Well I hope you show up at the next Council meeting John because there will be something you'll really like. You can support it. I have to say that we're not trying to stop using the papers here. We recognize that the papers are necessary for publishing things going on in the City. I think the intent of this is obviously to cut costs but the other intent is to cleanup what we publish in the papers not to get rid of all of it. It's to cut the stuff that most people don't pay attention to anyway. I hope that we can, over the course of the next year, really start using other tools that are more cost effective and that reach more people to supplement what we already do in the newspapers, the government channel and at the PEG Center. I think this is only part of the program. I do think it is necessary that we use each of the tools as efficiently as possible. That is why I'm going to support this. I would not support cutting everything back that would be wrong.

Mayor Jordan asked shall the resolution pass therefore there was no motion or second to approve the resolution. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

Resolution 77-09 as Recorded in the office of the City Clerk.

<u>**Public Hearing:**</u>

Mayor Jordan opened the Public Hearing.

A Public Hearing regarding the issuance of Series 2009 Water and Sewer Revenue Bonds in the approximate amount of $8.5 million

Paul Becker, Finance Director: This public hearing is required by statute to enable the City to issue up to $8.5 million for certain sewer and water improvements. Those bonds are revenue bonds which would be paid by sewer and water collection fees. The project would include various system improvements, including but limited to, the relocation, installation, and upgrading of certain water distribution and sewer collection lines that would relate to components along with road construction projects within the City. Specifically the major part of this would be Highway 265 and the widening of Highway 265. If we have any other specific questions on the project, we have Dave Jurgens here who could answer any questions.

Mayor Jordan asked for questions.

Alderman Cook: This was a part of our rate study, it was anticipated. It's nothing new from what we discussed at the Water and Sewer Committee. Obviously Highway 265 is a project that's high priority and this is one of the first things to get that rolling from our end.

Mayor Jordan asked for any public discussion.

There was no public comment.

Mayor Jordan closed the Public Hearing.

Mayor Jordan opened the Public Hearing.

Tennant/Samples De-annexation: An ordinance concurring with Farmington Ordinance No. 2009-05, providing for the voluntary detachment of certain lands from the City of Fayetteville, and attaching said lands to the City of Farmington.

Steve Davis, representative for the Tennant/Samples: Mr. Tennant is the City Attorney for Farmington and he requests that his lands that are in Fayetteville be detached and annexed into Farmington so he may continue to serve as Farmington's City Attorney.

Mr. Roy Hummel, a former alderman, sent a letter and was read by Mr. Davis as a matter of record. Mr. Davis also stated that Ernie Penn, Mayor of Farmington was present if the Council had any questions or comments.

Mayor Jordan asked for questions from the Council. He then asked for public comment. There were no comments made.

City Attorney Kit Williams: We've done this several times before at least twice with Farmington recently. The last time a developer had some land between the two cities that he wanted to swamp. Prior to that immediately after the annexation election there was a group of citizens that wanted to be transferred into Farmington and the City Council agreed with that so this is not so unusual. We've also done this with Springdale years gone by. This tonight is just to hear public comment. We can't consider the ordinance. That will be read if you so desire at the next City Council meeting but tonight we are just here to hear public comment.

Mayor Jordan closed the Public Hearing.

Mayor Jordan opened the Public Hearing.

Westside Storage, Inc. Condemnation: A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by Westside Storage, Inc. needed for the Rupple Road Project.

City Attorney Kit Williams: I think we have some real good comments from our City Engineer.

Chris Brown, City Engineer informed the Council that Mr. Caudle came in this afternoon and brought his executed documents so that we do not need to proceed with this particular item.

City Attorney Kit Williams: Mayor, I would recommend that we either turn down the resolution or table it indefinitely.

Alderman Thiel moved to table the resolution indefinitely. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

This resolution was Tabled Indefinitely

Mayor Jordan closed the Public Hearing.

Mayor Jordan opened the Public Hearing.

Patrick J. Tobin – Rupple Road Project Condemnation: A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by the Patrick J. Tobin Revocable Living Trust needed for the Rupple Road Project.

Chris Brown: The Council approved the PZD for the Links Development. One of the requirements was they had to widen Rupple Road at Wedington to five lanes. The City Council agreed at that time to acquire the right of way as necessary. Since that time we have tried to negotiate a settlement with Mr. Tobin and have been unable to. This property is located at the northeast corner of Rupple and Wedington. It is right of way and utility easement that is required for the widening of Rupple Road.

Mayor Jordan asked for any public discussion.

There was no public comment.

City Attorney Kit Williams: We will continue to do whatever is possible to negotiate with Mr. Tobin. We definitely need possession of this land as quickly as possible for this project.

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

Resolution 78-09 as Recorded in the office of the City Clerk.

Mayor Jordan closed the Public Hearing.

Mayor Jordan opened the Public Hearing.

Patrick J. Tobin – Township Street Widening Condemnation: A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by the Patrick J. Tobin Revocable Living Trust needed for the Township Street Widening Project.

Chris Brown: This is the last property to be acquired on Township. There are three tracts, right of way, utility easement, and drainage easement are required on this project. We had an appraisal done and attempted to negotiate the right of way and easements needed for this property and have been unable to do so. We are ready to proceed with construction very soon with this project. We need to get this property acquired.

Mayor Jordan asked for any public discussion.

There was no public comment.

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

Resolution 79-09 as Recorded in the office of the City Clerk.

Mayor Jordan closed the Public Hearing.

New Business:

Cops Hiring Recovery Grant: A resolution to approve the 2009 COPS Hiring Recovery Grant application.

Greg Tabor, Police Chief: We would like Council's approval to apply for a federal grant for five new police officers. The grant would pay for the officers for the first, second, and third years and the City would have to make a commitment to continue the officers in the fourth year. There was a commitment from the school district to fund year four for two of the officers for a period of about nine months which is the time they are actually in the schools.

Alderman Ferrell: They will pay for them one, two, and three or they will pay 80%?

Chief Tabor: They pay for all their salary for year one, two, and three. We have to pay for their start up equipment, guns, uniforms, radios. Then in year two and three we have to pay for a uniform allowance.

Alderman Ferrell: Mr. Becker has been warning us about our tax collections being lower than anticipated. I read where cities, municipalities, counties, and other government bodies are laying people off, down sizing, and giving four day mandatory work weeks due to the economy. Currently this City has a hiring freeze. I understand the Police Chief wanting to take advantage of a federal grant but the fact is that we can't afford it. I believe a more judicious approach would be to move towards two additional officers that the feds and schools would help fund and three months a year we would have two more officers for assignment. The schools would pay for nine months a year for the two additional officers, the resource officers, but they would still be Fayetteville police officers twelve months a year. Hopefully as the economy gets better we can consider staff requests for personnel. I asked the chief at the last meeting if we ever had laid anybody off that was hired from a COPS grant. The answer was no. We certainly wouldn't want to do that. We wouldn't want to hire somebody and then train them in how to be a proficient, professional, police officer and have to let them go. I still don't think that we would want to obligate the citizens in an unsure economy. I would move that we amend the resolution to add two resource officers instead of the five requested. As the economy goes along we can take another look at it.

Alderman Ferrell moved to amend the resolution to add two resource officers instead of the five requested. Alderman Lucas seconded the motion.

Mayor Jordan asked for questions.

Alderman Thiel: So how would that affect the grant? If you just did two.

Chief Tabor: We can ask for any amount from one to fifty. It really has no affect on the grant that we are applying for.

Alderman Thiel: So you'd still get some funding. It wouldn't be obviously as much.

Chief Tabor: That's correct. You would take the numbers that were given last week and divide them by five. I hope this doesn't come across wrong. School resource officers are very important however they are not a core service. We have to take care of our core services before we take care of niceties. There are core services a police department has to provide, answering calls, working traffic, and working accidents. There are more pressing needs then for school resource officers.

Alderman Ferrell: In thinking about that at the end of the day you're still going to have $79,785.00 a year coming from the school to help train those officers. I don't know whether you have to remain a school resource officer the whole time you're on the Fayetteville police force. I would think there would be more flexibility then that. I would think that you could be a patrol officer or whatever after a period of time. With all due respect I understand your request Chief.

Mayor Jordan: I think what the Chief was trying to say is that really does not add to the patrol force.

Chief Tabor: It could potentially add to our patrol force three months out of the year but the rest of the time it does not help us with answering calls and working accidents.

Alderman Petty: In the Agenda Session you said you had compared Fayetteville with the ten largest cities in Arkansas and ten similarly sized college towns in the SEC conference. I think you said that we were short about 35 officers from the average. Now how does our crime rate in Fayetteville compare to those other communities?

Chief Tabor: I compared us to the ten largest cities in Arkansas but I think there were only four or five cities in the SEC that was comparable. This shows what a good job the police officers out there are doing because by all the calculations we should have between 140 and 158 officers. We currently have a 120. Depending on what number you want to use we are 20 to 38 officers behind the norm on figuring how many officers we need. If you look at the violent crime rate in Arkansas, based on last year's numbers, Fayetteville is the fourth lowest in violent crimes and third lowest in property crimes of those ten cities.

Alderman Cook: Is this a one time shot?

Chief Tabor: It is a one time shot with a short deadline of April 18th.

Alderman Gray: I certainly would like to see us go right on with this grant. I think we need this. I think we need the officers in our city. We certainly need them in our schools. Having worked in schools for 30 years I'm telling you they need resource officers there. I had resource officers the last few years I worked and they were very valuable. Like the Chief has said, these are core services, the officers that we provide on our streets and that come to our homes when we have an emergency. Our Chief has given us information that there are many calls that they need someone to send out to that they don't have anyone to send out to. It's only going to get worst. I think it would be very short sided for us as a Council to not approve being a part of this grant.

Alderman Lewis: Now let me get this straight, this funding is coming from the Recovery Act.

Chief Tabor: That's correct.

Alderman Lewis: That's why it is the one time shot essentially.

Chief Tabor: We are being told it is a one time shot. We had a meeting with the drug director with the State and asked her if there were any plans that she knew of or any other grant opportunities after this first wave. This is not the only one out there. There are several grants that we are working. The end of May is as far out as we can see any grants opportunities. I am not aware nor was she of any other opportunities on down the road as far as stimulus act money.

Alderman Lewis: What is the funding that the City will provide from that resource?

Chief Tabor: It would have to be General Fund Revenue.

Mayor Jordan: That's my understanding.

Paul Becker: Correct.

Alderman Lewis: I don't like that either. I don't like the idea of hiring people with the idea that we don't know in three years if we can keep them. So how do you propose dealing with that?

Chief Tabor: In the worst case scenario, should the economy keep going down, and providing a fourth year comes along and we need $189,000.00, I would hope instead of laying off we could lose those people to attrition. Can I make a promise we are going to lose four people in 2012, no but our average over the last few years has been more than four people per year that we lose. My recommendation would be if that happens we would not replace those people as we lose them.

Alderman Ferrell: It's not easy. The easy thing to do is to go after it, because it is fire and police. It's not easy to sit here and say we've got to look at our books. We've got to approach this with the fiduciary responsibilities that we're charged with. We have had COPS grants before and I suspect there will be COPS grants again were there's a match. We also have a DPS security department at the University of Arkansas co-located here with a lot of officers and our county seat here with Washington County sheriff deputies. The biggest point I was making was that we have DPS here that most of university is located inside the core of the City of Fayetteville.

Alderman Thiel: I certainly appreciate Bobby's comments. I know that we had these same comments a few years ago when we lost the last COPS grant and went ahead and kept the people but of course at that time we worked some things out and it all worked. I think your comment about turnover is also something to consider. You might not lay someone off but generally you do have a fairly high rate of turnover and so that could be covered that way. I just think we'd be remise not to take advantage of $750,000.

Chief Tabor: $725,330.

Alderman Thiel: That's a good chunk of money. I think we need the officers. I think we're all aware that we need the officers. I know we need staff in a lot of departments. You've brought forward something that is funded to a large extent at least for the short term, for at least three years. I'll support the original proposal.

Alderman Petty: Does the University Police Department serve Fayetteville off campus at all?

Chief Tabor: No, they do not.

Alderman Petty: What is our population projected to grow over the next five years?

Karen Minkel, Strategic Planning & Internal Consulting; Department Director: Five years ago we were expected to be around 90,000 by 2025.

Alderman Lewis: You're suggesting five additional officers? Why five? Why not six or four?

Chief Tabor: Five came from two for the school resource officers and that allows us to put one on each shift out on the street.

Alderman Lucas: This is really hard for me because when you brought it up at the agenda session my first knee jerk reaction is of course police officers because I support the police and the fire. Like Adella said it's a core service. I got to thinking about it and we have not given the rest of our staff a cost of living raise because of the taxes. The other thing that Bobby mentioned is our tax base is down. It didn't seem fiscally responsible at this time to take on five new employees. We think it's free but it's not really free it's still going to cost the City money. In three years it's going to cost the City even more money and I just feel uncomfortable doing that because we may have to lay off people just to meet the budget and here we are thinking about buying into this and hiring five more. I think the two resource officers for the schools it is important that we replace those. I think also if we provide resource officers that have an influence on our kids in school that will help the crime rate in the City because they're going to be graduating and they will have an influence on these kids. I think that can be important. I will support Bobby in the two resource officers.

Mayor Jordan asks for public comment. There was no public comment.

Alderman Lewis: Regarding our economic development summit and all of the people we are trying to bring here, we are actively going out and trying to recruit people. I would like to know the data on whether or not there is a correlation between the number of police officers and the crime rate or does that have to do more with your population and the types of community activities you have and involvement you have. I think projecting ahead we're going to need more police officers and this is an opportunity to use some recovery money.

Alderman Ferrell: There has been a direct correlation between the more educated the populous, the less crime. We're probably the most educated community in Arkansas I think aren't we?

Alderman Lewis: I think the University helps.

Alderman Thiel: Mayor, would you explain what we are voting on?

Mayor Jordan: What we are voting on is the amendment to cut it from five down to two. That's what we're voting on right now. Is there any other discussion?

Upon roll call the motion failed 3-4. Alderman Petty, Ferrell and Lucas voting yes. Alderman Lewis, Gray, Thiel, and Cook voting no. Alderman Rhoads was absent.

The amendment failed.

Mayor Jordan asked for comment on the resolution from Council and then asks for public comment. There were no comments.

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

Resolution 80-09 as Recorded in the office of the City Clerk.

Fayette Junction Master Plan: A resolution to adopt the Fayette Junction Master Plan vision document and Illustrative Master Plan.

Karen Minkel: I would like to get everyone re-acquainted with the site. This is the second complete neighborhood plan that has been completed in-house.

Karen gave the boundaries of the plan. It was chosen by the Council as the second complete neighborhood plan in June of 2008 because it met several criteria. It meets the City Council's strategic goals for south Fayetteville. She explained the charrette process. The charrette team took that information back to the design studio and created a draft illustrative plan which was presented at a work in progress presentation. Staff refined the illustrative plan, created the vision document, and presented it to about 75 people. The plan is based on three guiding principles, integrated and built in a natural environment, create a clean tech cluster, and support multiple modal transit.

Karen gave an overview and discussed each slide through the presentation. She said how quickly a plan like this happens is really dependent on a number of things including market factors. There are some steps that the City can take to encourage the implementation of a vision document. Those are outlined in the document. They are divided into short term, mid term, and long term goals.

Karen concluded the slide presentation on the vision and illustrative plan. She thanked the Mayor, and the City Council for their support. She recognized the charrette team for working on this Plan as well as the members of the public who participated. We are reaching some the members of the community who haven't previously participated in a project like this.

Karen explained the Exhibit's.

Alderman Cook: You mentioned that some of these changes were made because of Planning Commission's concern with connectivity. Was staff concerned with the connectivity of the plan?

Karen Minkel: We felt that the charrette team added as much connectivity as we could given the constraints that we had to work with. I think it's challenging because in a plan like the Walker Neighborhood or the Downtown you have much more of a traditional street grid and so the connections that you'd make are fairly logical. I think in a plan like this where it is more green field you actually get more creativity on the front end but you can redesign and redesign to get more connectivity. I think that where we are at now is more of a decision of how much connectivity do we want to show and what are the trade offs in terms of environmental impact.

Alderman Cook: It seems like some of the additions that were made it looks like there is connectivity in there. These connections make it more of a direct connection I guess. There are connections weaved in there but some of these additions are to straighten them out.

Karen Minkel: Exhibit E shows an underpass or overpass at 18th Street. The Planning Commission wanted to show an additional crossing to I-540 at 18th Street and our concern was feasibility. Funding an overpass or underpass is fairly expensive. If we were only going to choose one we would definitely chose the 15th Street which is a principle arterial. Those exhibits are the changes that would appear on a Master Street Plan.

The next amendments are design issues. Staff's concern is not with the design themselves. The concern is to redesign and work on this illustrative plan will take significant time with no policy changes.

Mayor Jordan said he thought some of the aldermen would like to make the amendments as we go.

Alderman Thiel: The three that you just mentioned, those are the three that affect the Master Street Plan right?

Karen Minkel: Correct.

Alderman Thiel: This would be my amendment. All three of these amendments are based on staff's recommendation, because the public was involved in adopting the original ones, the environmental issues and the lack of feasibility on the last one. I would make an amendment to remove Exhibit C, under Exhibit D adopt 6B and remove 6A, and under Exhibit E remove it.

Mayor Jordan asks for public comment.

Johnny Self, a resident: I am more confused after seeing the movie than I was before. I am confused where this is. Is this the south part of Fayetteville?

Mayor Jordan: It's the area around Biobased. Cato Springs Road, in that whole big area.

Johnny Self: I have property on Cato Springs Road. In the Urban District what is allowed on it? Is the zoning going to be changed? He described where his property was located.

Mayor Jordan: Are these amendments going to affect his property.

Alderman Lucas: The zoning.

Alderman Thiel: That's not what we are doing right now.

Mayor Jordan: Right now Mr. Self that's really not the issue. That will be something when we get to the end of this thing that you can probably ask.

Alderman Thiel: We're just talking about the Master Street Plan.

Mayor Jordan: The amendments to the Master Street Plan.

Johnny Self: Want you're voting on tonight does not affect the zoning is that correct?

Mayor Jordan: Yes. What we're doing right now doesn't have anything to do with the zoning. So we'll probably answer your questions later.

Johnny Self: Okay. Thank you.

Mayor Jordan: Now this is on the amendments.

Marcie Benning, a resident: The main connectivity that I see into this development from the north and northeast is down Brooks and South Garland Avenue. I have an issue that there are no sidewalks in that neighborhood, it is a low density, predominantly single family neighborhood. This Plan is increasing the density of the whole neighborhood. There's no way to get into it from South College or 15th Street without coming down South Garland Avenue and Brooks. There is a bridge on South Garland Avenue that is near to failing that I believe has been in the budget for years to replace. I can't see all the density for this project channeling down South Garland Avenue and Brooks into the heart of it. The amendments are not showing any additional roads into Road Hog Park. Are you going to turn Brooks and South Garland Avenue into a four lane street or a boulevard?

John Blair, a resident: I have a concern regarding the density that is being created in this part of Fayetteville, particularly the widening of some streets. If those roads end up as I see on the plan, much wider and much heavier traffic use then I am opposed to that. I think it is a mistake to move in that direction.

Nathan Ogden, Trustee of the Joyce M. Ogden Family Trust: Our property is in this area. It is 10 acres on Razorback Road where there's a proposed visitors center and Old Main view shed. This property has been in our family for quite some time. My father fought to get it rezoned back in 1999 or 2000 when the 2020 Plan was done.

Mayor Jordan: That's not part of the amendment right now.

Alderman Thiel: Exhibit C, D, and E, we're not to F.

Alderman Thiel: But you're saying that you don't like Exhibit F. You want to remove the current one?

Nathan Ogden: We thought we were complying with the 2020 Plan. Our family has had a dream of doing something with the property and developing it. Finally when we get the financial stability we see this. We met with Ms. Minkel and she said somebody in the proposed Fayette Junction District received a waiver and their property was left out of the rezoning. We were told that we were going to be in the Urban District and I have not been able to find out what the Urban District is. Can you make an amendment to leave our 10 ten acres out and leave it zoned as commercial. We originally fought for it in the 2020 Plan. What was eight percent commercial in the Fayette Junction area is going to be reduced down to two percent and of that six percent that is going to be cut we are three percent of that. We were totally left out of the charrette process. Take their time and not vote on this tonight.

Mayor Jordan: Okay we're going to vote on this block of amendments and then I do not want to do anymore amendments until we're through this whole program.

Alderman Thiel: I don't think we're going to pass this tonight. We're going to listen to comments and so forth about this. I think we need to get these amendments out of the way then go back and give people the opportunity to look at the zoning and discuss things with staff once it's been aired.

Mayor Jordan asked for any other comments from the Council.

Alderman Thiel: They are to remove Exhibit C. All three are the master street issues. These were based on Planning Commission's recommendations not the Planning staff. That street goes through a floodplain and there are concerns about developing along that corridor on the floodplain.

Exhibit D was one that went right through a permanent easement, a conservation easement. I think that staff did decide that there was some merit to that so that's why they threw in that 6B. So I was proposing that we remove 6A and adopt 6B.

Exhibit E was not feasible economically because it was just an additional cut under I-540 and very costly. Why put that on a Master Street Plan at this point in time because it's really not necessary. Those three are the ones that deal with the Master Street Plan. Whatever you put on the Master Street Plan is a guide. Did that clarify the motions?

Alderman Lewis: I just wanted to clarify because it seems like people are a little confused. The Planning Commission reviewed this project and made suggestions. The Council is now deciding whether or not to accept or deny those changes, those recommendations. Then later we will decide whether or not to accept Fayette Junction as a plan.

Alderman Petty: I didn't see a difference between 6 and 6B. Can you point that out with a laser pointer?

Karen Minkel: In Exhibit 6 the stub out implies that at some point you would build a road and make a north-south connection. We found out that this was in a permanent conservation easement so now we simply show a trail connection there.

Alderman Thiel moved to amend the resolution to remove Exhibit C, Exhibit D adopt 6B and remove 6A, and remove Exhibit E. Alderman Lewis seconded the motion. Upon roll call the motion passed 6-1. Aldermen Petty, Lucas, Lewis, Gray, Thiel and Cook voting yes. Alderman Ferrell voting no. Alderman Rhoads was absent.

Mayor Jordan: We are to the Fayetteville Junction as a whole.

Karen Minkel: The next exhibits are design questions and do not result in any policy that would tie property owners to anything. If a property owner were to redevelop any of these sites, the local streets and houses that are designed are done in consultation with the developers, staff, and the public hearing process. Our concern is that with these redesigns will take significant staff time to redesign the document, and the Council has chosen to use the charrette process, which is simply designing in public, so that the plans are vetted by the public. We have concerns about doing significant redesign work not in a public studio space.

Exhibit F shows additional roads at Biobased properties. It shows some frontage roads and it also shows a segment that would be in the 100 year floodplain. Biobased Companies had some concerns with these additional roads as they affect their master plan they have already invested in.

Exhibit G shows a redesign of the roads at Fayette Junction. One of the goals of the Planning Commission was actually to reduce the floodplain crossing so they brought the road down. Staff's concern was his would take significant redesign work and staff time and without any substantive policy changes.

Alderman Lewis: Didn't they put a crossing through a floodplain on an earlier exhibit?

Karen Minkel: Yes. Exhibit H illustrates what I have been talking about in terms of the redesign work and time. The Planning Commission suggested that we put a road through the pocket park. Staff agreed it might be an improvement. This is the redesign and it illustrates what happens when you start redesigning. When staff did the redesign work it took two and half days and two staff members time to do a small line segment. That's our concern with significant redesign work.

Alderman Ferrell: How far is that proposed finger park going to be from South Pass?

Karen Minkel: I don't know the mileage off the top of my head.

Alderman Ferrell: Do you think it's a mile?

Karen Minkel: I think that would be a good estimate.

Exhibit I was passed out and was based on a comment received from a Red Arrow property owner. Pebble Creek Flats is a multi-family development in this neighborhood. When the charrette team was looking at this we wanted to honor the development that had passed so we showed some multi-family on this property. We also wanted to show connectivity between what we hoped would be single-family neighborhoods. Senator Madison was concerned about the connectivity between multi-family and a single-family neighborhood. Staff's intent was to show appropriate transition from four units per acre to eight units per acre. This development expired in February of 2009 so we felt comfortable showing it to what was intended by staff. Staff is recommending Option A in Exhibit I.

Alderman Lewis: The way I understand it is that this is conceptual and these are designs and these are suggestions. If I buy property in that area this is a guide that I would work with the City on. That's all it is, is that right?

Karen Minkel: That's correct. I think it important to distinguish between the master plans, and an actual site and the specifics of that site design. When we do these master plan's it's a broad brush stroke. We are looking for a consensus on a shared vision in terms of the guiding principles of the plan. The illustrative plans are a way for people to see what that density might look like in a way that might be palatable to that neighborhood. This is conceptual only so there is no guarantee the development is going to look exactly like the plan. That goes into a development review process that arrives at specifics of the use, type of building, and what it will actually look like. This is meant to be a guiding document for public decisions and something the community can use as a shared vision.

Alderman Lewis: Would you say it would take significant amount of staff time away from other projects to redesign according to the Planning Commission's suggest.

Karen Minkel: If significant redesign needs to happen then I don't think this plan would come before Council for several months. Because this has been vetted by the public for so long I think it would only be fair to bring it back to the stakeholders to review. I think it would look significantly different as well.

Alderman Ferrell: I know this is going to happen, somebody in this Council will say this is the plan. A citizen is not tied to that right? It's just a tool or plan. Is this correct?

Karen Minkel: When a development comes through they are tied to the zoning of their property. When you have these master plans it's meant to be a conceptual "what if". People developing in that area look to the plan to see what the community has said are some of the shared guiding principles and they try to adhere to those. Some of projects that we have seen in the downtown I think certainly are in the spirit of the guiding principles of the Downtown Master Plan but they don't look exactly like it.

Alderman Ferrell: I will agree with you. I still think its going to happen. Thank you.

Don Marr, Chief of Staff: Exhibit A is the adoption of all of the individual amendments and by amending to Exhibit A you would have one map to look at.

Alderman Lewis: I propose we amend the changes to resemble Exhibit A.

Alderman Lewis moved to amend the map to Exhibit A. Alderman Lucas seconded the motion.

Mayor Jordan asked for public comment.

Alderman Thiel: We're not adopting the plan.

Major Jordan: I want everybody to understand that we're not adopting this plan tonight.

Chad Childers, Pick-it Construction: Your short term goals, on one of your slides shows, have your first goal as rezoning. There's zoning changes all over the map. I feel like this is a way that government eventually takes property from private citizens. The Old Main view shed and visitor's center is on the property owned by the Odgen Family Trust. This will be downgraded from a C-2 zoning to Urban zoning and it reduces the value of this property. Thank you.

Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

Mayor Jordan: Now we are looking at the over all plan.

Alderman Petty: Even though in this plan we have laid out several potential rezonings, we are not performing those actual rezonings tonight if we vote on this, is that correct?

Karen Minkel: I want to make sure people who are watching were not confused or mislead about what this actually is. In the vision document we propose an Urban Zoning District. What it specifically states is that the zoning district is not taking away any uses. If you have a C-2 zoning district you're not going to lose what you can develop there. We want to allow some flexibility of uses. The C-2 zoning district would retain the uses and allow you to also do residential development in that zoning district. In the master plan we show protection of the hillside because the stakeholders felt strongly about protecting the view shed to Old Main. The

University wanted to protect this hillside as well. The document says that if the University and the City wants to protect this hillside they will have to pay for it. No one is talking about taking away property unfairly. It would not take away any of the uses, it would not be a down zoning, and it is not creating an institutional type zoning.

Don Marr: This illustration is a concept plan, it is not a cartoon. It was done with the input of over 100 public participants who live, reside, and own property in the area. The staff took a lot of time and due diligence and mailed notices.

Alderman Thiel: I agree with Don that there was a long public process. I feel like a lot of people did participate. Since there are still people that have concerns that did not participate in the charrette process could they visit with staff rather than trying to discuss it with staff back and forth here. I would like to table it until the next meeting and that gives everyone an opportunity to ask staff questions.

Alderman Lewis: I think that it's important to plan and I really appreciate the work that's in this. I think that if you don't have planning you'll get lost along the way somewhere. Thank you.

Alderman Thiel moved to tabled this item to April 21, 2009 City Council meeting. Alderman Ferrell seconded the motion. Upon roll call the motion passed 5-2. Aldermen Ferrell, Lucas, Gray, Thiel and Cook voting yes. Aldermen Petty and Lewis voting no. Alderman Rhoads was absent.

Animal Services Advisory Board: A resolution establishing an Animal Services Advisory Board.

Yolanda Fields, Community Services Division: The City of Fayetteville is trying to be on the forefront of dealing with the growth, changes, and challenges. Staff feels that this Advisory Board would involve the community and help us bring the best service that we possibly can bring to our pets and our citizens.

Alderman Thiel: We had something like this as an ad hoc committee a few years ago. I'm so appreciative that staff now supports this concept, I think it's crucial. I think the citizens in Fayetteville are very involved with animals and love their animals. I'm just so pleased that this is coming forward.

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

Resolution 81-09 as Recorded in the office of the City Clerk.

RZN 09-3218 (Life Styles): An ordinance rezoning that property described in rezoning petition RZN 09-3218, for approximately 1.27 acres, located north of the Sycamore Street and

Saddlehorne Avenue intersection from RSF-4, Residential Single-Family, 4 units per acre, to P-1, Institutional.

City Attorney Kit Williams read the ordinance.

Jeremy Pate: The staff and the Planning Commission are recommending approval of this rezoning. The Planning Commission voted 9-0 to recommend this rezoning request from RSF-4 to P-1, Institutional. The intended use for this property is for expanding Lifestyles, Learning Adult Education Center. Staff recommends approve finding it is compatible with our City Plan 2025 for this area.

Mayor Jordan asks for questions.

Alderman Lewis: I love that they are moving forward on this and I think it's exciting. I drove out to that property. It is a real low area. Part of it is in the floodplain. It seems like it might be expensive changes that they're going to have to deal with on this site. I was just wondering if you worked with them on that.

Jeremy Pate: Yes. The northern part of the site, the lower part of the site, most of that will be left in green space.

Alderman Lewis: Okay, good.

Mayor Jordan asked for public comment. There were no comments made.

Alderman Thiel 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 Rhoads was absent.

City Attorney Kit Williams read the ordinance.

Alderman Thiel 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 Rhoads was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Rhoads was absent.
Ordinance 5231 as Recorded in the office of the City Clerk.

ADM 09-3219 Amend Chapter 166: An ordinance amending the Unified Development Code subsection 166.12: Structures Not Allowed Over Public Easements, to clarify what types of structures are permitted in easements, and to establish consistent guidelines for the installation of structures in easements.

City Attorney Kit Williams read the ordinance.

Jeremy Pate: The current language states no structures shall be located within easements. The intent of this ordinance amendment is not to allow buildings to be located within easements but to allow those structures that may be movable or with utility company and City permission items that may not be as movable but the utility company and City is okay with it in a particular location. We also clarified that above ground pools are not allowed. The Planning Commission voted 9-0 as a recommendation of approval. It was taken before our Technical Plat Review Committee which all of the utility representatives are present at. We asked their opinion, reviewed their comments, and incorporated them in this amendment. Hopefully this will help the situation and clarify for property owners where and when they can utilize the property they own when an utility easement is encumbered upon that property and also allow the City the right to say no when it's not in the best interest for the citizens.

Mayor Jordan asked for public comment. No public comment was made.

Alderman Ferrell 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 Rhoads was absent.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: I would like this left on the second reading for additional review.

This ordinance was left on the Second Reading.

Amend Chapter 33: An ordinance to amend §33.001 City Organizational Chart of the Code of Fayetteville.

City Attorney Kit Williams read the ordinance.

Kit Williams, City Attorney: I brought this forward on a request by the City Clerk because the current organizational chart has been amended in the past, has been very detailed, and has always been out of date within about a year after it was amended. I felt it made more sense to leave the organization of the administration to the chief administrator, the Mayor, and just put the basic organizational chart in here.

Alderman Petty: I've heard from a few people questioning whether or not we're giving up oversight for the decisions on this. I agree with Kit that there's a point whenever you reach consensus and we all go forward based on that consensus regardless of our previous disagreements or feelings about it. I think doing this and reorganizing this is a good thing to do.

Mayor Jordan asked for public comments. There no comments.

Alderman Ferrell 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 Rhoads was absent.

City Attorney Kit Williams read the ordinance.

Alderman Ferrell 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.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5232 as Recorded in the office of the City Clerk

Agenda Additions: None

Announcements:

Don Marr gave an updated report on the ice storm debris clean up. We expect our debris cleanup, in terms of the items reimbursed by FEMA, will conclude in about 21 days. Private streets and commercial properties will only have one single pass by city staff.

We completed the Economic Summit and will make a presentation to Council.

We hired Fritz Gisler to head up the Government Channel Division.

The City is in the process of advertising short-term for staff for the Communications and Marketing position that Ms. Thomas held. It is a temporary position at this point. It is not a full time position.

Alderman Thiel: I thought that during the budget discussion last year and the adoption of the budget that we had eliminated that position at the government station.

Don Marr: You did. The position that was filled is the replacement of Ric Delahoussaye who retired. It is not a new head count.

Alderman Thiel: I didn't know that.

Alderman Gray: Have we made a decision yet about our lobbyist in D.C.?

Mayor Jordan: We put it out for bids.

Don Marr: There was a RFP issued. We had three responses, Van Scoyoc, James Lee Witt Associates and Global USA. A recommendation to Council will be on a future agenda.

Alderman Thiel: Is there a Council member on that Selection Committee?

Don Marr: Yes, Alderman Cook.

Mayor Jordan: At Agenda Sessions I will be briefing Council on some items in the works to keep you informed of things. I will be handing out reports and passing out informational items.

I want to thank the Council for their participation in the Summit.

The meeting adjourned at 9:00 PM

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer