

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

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



**City of Fayetteville Arkansas
City Council Meeting Minutes
March 2, 2010**

A meeting of the Fayetteville City Council was held on March 2, 2010 at 6:00 p.m. 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, Rhoads, Ferrell, Lucas, Lewis, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Petty

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Mayor Jordan honored the Fayetteville Parks and Recreation Department for receiving four awards from the Arkansas Recreation and Parks Association at their annual conference in Fort Smith for three of its outstanding programs and one outstanding volunteer. The Community Garden Program won the Therapeutic Recreation Program of the Year in the State of Arkansas.

Lisa Netherland, Horticulturist accepted the award and thanked Mayor Jordan and Connie Edmonston for their support along with the hard work of the Fayetteville Community Coalition Committee. She stated we continue to work very hard and we intend on building this to be an excellent community program. Thank you.

Mayor Jordan: The Natural Resource Program of the Year in Arkansas was awarded to the Gulley Park Stream Restoration project.

Sandi Formica with the Watershed Conservation Resource Center accepted the award and thanked the City of Fayetteville. She named the partners that worked together on this project.

Mayor Jordan: The Volunteer of the Year in the state of Arkansas was awarded to Cindi Cope, a Fayetteville citizen, who has demonstrated continued devotion to Fayetteville's parks and trails.

Cindi Cope accepted the award and stated we are going to continue to work with Fire Station #3 to help solve some of their issues and Fayetteville in Bloom is also working with the Green Teams. We are also going to have four little free zone schools certified before the end of this school year.

Mayor Jordan: Finally, the first annual Fall Soccer Kick-off Celebration won the Sports Management Program of the Year in Arkansas.

Connie Edmonston, Parks & Recreation Director accepted the award for Tiffany Gaulke, Program Manager and stated she is doing a lot of great things and I am very proud of this.

Mayor Jordan also announced that Fayetteville would be one of three locations to receive a Green Collar Work for Center of Excellence in the State of Arkansas. He stated that is a tremendous accomplishment for this City. He thanked NWACC, the University of Arkansas, the NWA Labor Council and their President Steve Smith, the Chamber of Commerce, Steve Clark, and Sarah Lewis for their work on this project. I want to thank my Communications Director Lindsley Smith because she set the first meeting up in Little Rock. I also want to thank the Governor and Marie Haley from the Department of Education. It is not any one group or individual that made this happen. It was the Council members, citizens, and the workers that supported this. Your support always makes it happen.

Presentations, Reports and Discussion Items:

Mayor Jordan presented Battalion Chief Kyle Curry with an award for his service and dedication during his time as Interim Fire Chief.

Fayetteville Fire Department Explorer Post #104 Presentation

Mauro Campos, Battalion Chief stated we are going to rebirth a former program known as Explorer Post #104 to the Boy Scouts of America. He gave a brief description of the program.

Alderman Lewis: It sounds like a wonderful program. I would like to encourage also partnering with the Girl Scouts of America.

Mauro Campos: Any gender can join the Explorer Posts.

Chief David Dayringer stated Battalion Chief Campos brought his son Nathan with him today who is working on a Boy Scout merit badge.

Agenda Additions:

Alderman Cook moved to add the following items to the Agenda: **National Endowment for the Arts Artistic Excellence in Design Grant and Broadband Technology Opportunities Program Grant.** **Alderman Lucas** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Petty** was absent.

Don Marr, Chief of Staff stated these items are being identified between our Agenda Sessions and items often giving us one to three days to respond. We are looking at every opportunity to add funding opportunities to the City and we don't want to miss these deadlines which all require resolution action. We apologize for the lateness of it but both of these were identified since that time period.

National Endowment for the Arts Artistic Excellence in Design Grant: A resolution authorizing the City's participation in the National Endowment for the Arts Artistic Excellence in Design Grant, in partnership with the University of Arkansas Community Design Center, through in-kind services in the amount of \$20,000.00.

Karen Minkel, Director of Strategic Planning and Internal Consulting gave a brief description of the resolution. She stated this project would enable elected and appointed officials, members of the public, and staff to visualize potential futures that can be shaped by the policies that are incorporated into City Plan 2030. The Community Design Center is the applicant and what they are proposing is that the City of Fayetteville would provide a 1-1 match required of the grant in the form of in kind services. Our recommendation is that the City Council approve the resolution.

Alderman Lewis: So the \$20,000 goes to creating 3-dimensional models that would help describe the City Plan 2030?

Karen Minkel: Scenario planning is something that corporations have been using for decades but they ask questions that may sound radical but they potentially show plausible scenarios if you had policies that funneled growth in that direction. One of the main benefits that we will have is that they are also going to do a model based on if current trends continue. I think that will be a powerful visual tool that everyone will be able to look at and see if that is what they would like for the future of Fayetteville and if not what direction they would like to change in.

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

Resolution 34-10 as recorded in the office of the City Clerk.

Broadband Technology Opportunities Program Grant: A resolution authorizing the Information Technology Division to apply for a Broadband Technology Opportunities Program Grant from the National Telecommunications and Information Administration for approximately \$563,500.00 to fund fiber-optic connectivity to various City facilities.

Paul Becker, Finance Director gave a brief description of the resolution. He stated this would allow us to expand to more locations and also provide us the money to put underground cable

rather than aerial cable which would be more sheltered from the elements. He also stated this will help us improve a program and expand what we already anticipated the need for.

Alderman Ferrell: When do you think you would know whether or not we got this grant?

Paul Becker: I am not exactly sure.

Alderman Ferrell: Would it be in this budget year?

Paul Becker: It would be in this budget year yes.

Alderman Ferrell: You got \$205,000 budgeted for the off site locations for fiber optic activity and this would enhance that to be able to use other places and get \$563,500.00 to boot. So there is no prohibition against where you deploy it?

Paul Becker: No.

Don Marr: This stimulus project is the second round of funding. The primary round was done initially and this is the second round. We may or may not get it but we think we should try to get it.

Alderman Lewis: So this is recovery money?

Paul Becker: American Recovery Act yes.

Alderman Lewis: So if we have \$205,000 budgeted then we would have some left over.

Mayor Jordan: Yes.

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

Resolution 35-10 as recorded in the office of the City Clerk.

Consent:

Approval of the February 16, 2010 City Council meeting minutes.

Approved

Federal Bureau of Investigation Reimbursement: A resolution approving a budget adjustment for the Fayetteville Police Department in the amount of \$16,903.00 to recognize reimbursement from the Federal Bureau of Investigation to cover expenses related to the Joint Terrorism Task Force.

Resolution 36-10 as recorded in the office of the City Clerk.

Drug Enforcement Administration Reimbursement: A resolution approving a budget adjustment for the Fayetteville Police Department in an amount not to exceed \$16,903.00 to recognize reimbursement from the Drug Enforcement Administration to cover detective overtime expenses.

Resolution 37-10 as recorded in the office of the City Clerk.

Wedington Drive Right-of-Way Donation: A resolution authorizing the donation of right-of-way along Wedington Drive (State Highway 16) containing 0.31 acres and being parcel Nos. 765-13746-002 and 765-13746-003, and authorizing the Mayor to execute deeds and all other necessary papers to transfer ownership of the property to the Arkansas State Highway Commission.

Resolution 38-10 as recorded in the office of the City Clerk.

Arkansas Historic Preservation Program Grant: A resolution approving the City of Fayetteville to submit an application for consideration of a 2:1 matching grant for an Arkansas Historic Program grant award of up to \$80,000 to complete restoration of the Historic Maple Street and Lafayette Street Overpasses.

Resolution 39-10 as recorded in the office of the City Clerk.

Warrior of Arkansas, Inc. Bid #09-72: A resolution awarding Bid #09-72 and approving the purchase of one John Deere four-wheel drive articulated loader from Warrior of Arkansas, Inc. in the amount of \$111,500.00 for use at the Solid Waste Transfer Station, and approving a budget adjustment.

Resolution 40-10 as recorded in the office of the City Clerk.

Warrior of Arkansas, Inc. Bid #09-73: A resolution awarding Bid #09-73 and approving the purchase of one John Deere backhoe loader from Warrior of Arkansas, Inc. in the amount of \$73,000.00 for use at the Solid Waste Transfer Station, and approving a budget adjustment.

Resolution 41-10 as recorded in the office of the City Clerk.

Alderman Cook moved to approve the Consent Agenda. Alderman Thiel seconded the motion. Upon roll call the motion passed 7-0. Alderman Petty was absent.

Unfinished Business: None

New Business:

Kathryn B. Stout Donation: A resolution approving a 2010 budget adjustment for the Fayetteville Fire Department to recognize donation revenue in the amount of \$25,000.00 from the estate of Kathryn B. Stout.

Fire Chief David Dayringer: With the \$25,000 donation we plan to replace most of our automatic defibrillators which restart the heart once it stops. The ones we are using now are close to being outdated. The other part of this will go toward the purchase and installation of an extractor washing machine which is used to remove contaminants out of the protective clothing.

Battalion Chief Kyle Curry spoke on the generosity of Kathryn B. Stout.

Alderman Ferrell: I think it is wonderful that this has been the legacy of the philanthropy that this family has done. He spoke about his memories of the Stout family.

Alderman Lucas: She was a lovely lady and she was a lot of fun.

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

Resolution 42-10 as recorded in the office of the City Clerk.

Watson Condemnation: A resolution approving a settlement agreement with Aaron H. Watson and Patricia Ann Watson concerning condemnation litigation filed as part of the Mount Comfort Road Widening Project in a total amount of \$55,000.00.

Chris Brown, City Engineer gave a brief description of the item. He stated staff is recommending approval of this resolution. The Street Committee reviewed this Tuesday night and voted 3-1 to recommend approval to the City Council. The contention on this case is the amount of damages to the improvements to the house and property. The road is obviously moving closer to the house and it's on a corner lot so it is moving close in two directions. The amount of damages is somewhat subjective. We placed the total damages at \$30,000.00 and the offer is for an additional \$25,000.00 to settle the case.

Alderman Ferrell: When an appraiser appraises property are they suppose to factor in everything on their bid that they think the citizen should get?

Chris Brown: Theoretically the appraised value factors in the difference in the value of the property before versus after the City takes the property and the difference between the two is what the City offers. It is somewhat subjective and other appraisers could look at it differently than the City's appraiser.

Alderman Ferrell: How often do you have one that runs over double of what the appraised value was?

Chris Brown: Many times when we go to condemnation we have widely varying appraisals just depending on which direction the appraisers go. Many times they start far apart.

Alderman Ferrell: So it does happen sometimes?

Chris Brown: Yes.

Alderman Ferrell: I visited with the applicant and I asked him if he would explain why the property was worth more than double that. Mr. Watson, would you come up please?

Aaron Watson, owner of the property stated it is not as much the loss of the ground and actual value as it is the functionality of the property as a whole, the safety, and the noise issue. I had two broker's price opinions and one appraisal and one of the broker's price opinions said to have the whole property condemned because the work made it completely unsellable. I do not want to move I just want to make it livable again to the same standard it was prior to the project. I have went to a yard full of trees to one lonely tree and the utility right of way has taken as much as the road progress.

Alderman Ferrell: How many trees did you lose?

Aaron Watson: Three trees and a bush.

Alderman Ferrell: So basically what I am hearing from you is you think it is worth double to you because it is going to take that for you to replace what you lost?

Aaron Watson: No I still think I will come up short. With this economy I am not going to lose what equity I did have in it several years back and try to do anything different. That is where I want to stay if I can.

Alderman Thiel: I don't think it is double because the City Attorney's office offered \$25,000.

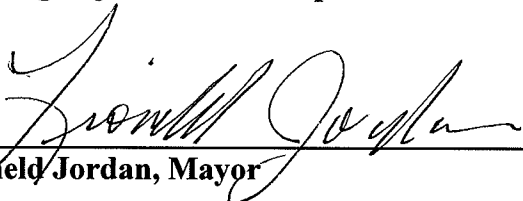
Alderman Ferrell: I reversed those numbers. I was thinking it was \$25,000 and it was \$30,000. When this went before Street Committee I didn't like the big difference. After speaking to Chris and listening to him tonight I think I can go ahead and support it.

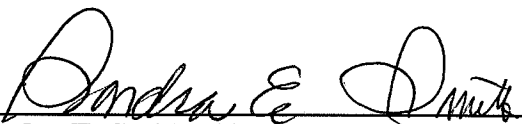
Alderman Lucas: I think the difference is this is taking two sides of the property.

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

Resolution 43-10 as recorded in the office of the City Clerk.

Meeting adjourned at 6:45 p.m.


Lionel Jordan, Mayor


Sondra E. Smith, City Clerk/Treasurer