Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – 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
July 6, 2010

A meeting of the Fayetteville City Council was held on July 6, 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, Cook, Petty, Ferrell, Lucas, Lewis, Mayor Jordan, City Attorney Kit Williams, Assistant City Attorney Jason Kelley, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Thiel and Alderman Rhoads

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Mayor Jordan recognized the Spring International Language students.

Presentations, Reports and Discussion Items: None

Agenda Additions:

Consent:

Approval of the June 15, 2010 City Council meeting minutes.

Approved

Woolsey Aviation, Inc. D/B/A Million Air of Fayetteville: A resolution authorizing and approving an airport use and lease agreement for fixed base operations with Woolsey Aviation, Inc. D/B/A Million Air of Fayetteville in the amount of $29,560.20.

Resolution 112-10 as recorded in the office of the City Clerk.

Ball Plaza Holdings, LLC: A resolution approving a lease with Ball Plaza Holdings, LLC to rent space in the E.J. Ball Building to house the City of Fayetteville Information Technology Division's server room for the annual amount of $18,504.00.

Resolution 113-10 as recorded in the office of the City Clerk.

Sweetser Construction, Inc.: A resolution awarding bid and approving a contract with Sweetser Construction, Inc. in the amount of $285,811.00 for the construction of repairs to the Lake Wilson spillway, and approving a 10% project contingency.

Resolution 114-10 as recorded in the office of the City Clerk.

Garver, LLC Amendment No. 1: A resolution approving contract Amendment No. 1 with Garver, LLC in the amount of $79,400.00 for construction phase services related to Lake Wilson Spillway Improvements.

Resolution 115-10 as recorded in the office of the City Clerk.

Ground Zero Construction, Inc.: A resolution awarding bid and approving a contract with Ground Zero Construction, Inc. in the amount of $64,750.00 for construction of Hamestring Creek Tributary restoration through the Red Oak Park Supplemental Drainage Improvements Project, and approving a 15% project contingency.

Resolution 116-10 as recorded in the office of the City Clerk.

New Police Department Policies: A resolution approving Fayetteville Police Department Policies 33.1 Training; 41.2.7 Department Response to Mentally Ill Subjects; and 44.2.4 School Resource Officers.

Resolution 117-10 as recorded in the office of the City Clerk.

Alderman Cook moved to approve the Consent Agenda. Alderman Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Rhoads and Alderman Thiel were absent.

Unfinished Business:

RZN 10-3566 (932 Garland): An ordinance rezoning that property described in rezoning petition RZN 10-3566, for approximately 0.84 acres, located at 932 Garland Avenue from R-PZD, Residential Planned Zoning District 06-2256 (932 Garland), to R-O, Residential Office and RMF-40, Residential Multi-family, 40 units per acre. *This ordinance was left on the Second Reading at the June 15, 2010 City Council meeting.*

Alderman Petty moved to suspend the rules and go to the third reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 6-0. Alderman Rhoads and Alderman Thiel were absent.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Internal Services and Development Director gave a brief description of the ordinance.

Kelley Ellis, Representative for the property owner stated he would be glad to answer any questions.

Alderman Petty thanked them for taking time to consider this and speaking with him about the change in zoning.

City Attorney Kit Williams: The owner of the property is happy with the Community Services zoning?

Kelley Ellis: Yes sir.

Alderman Lewis: If this passes then you go into the design phase?

Kelley Ellis: At this point there are no specific plans on the property.

Alderman Lewis thanked Mr. Ellis and the property owner for working with Alderman Petty and staff.

Kelley Ellis: It was a learning process for us.

Alderman Petty moved to amend the zoning to formed based code Community Services. Alderman Cook seconded the motion. Upon roll call the motion passed 6-0. Alderman Rhoads and Alderman Thiel were absent.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Rhoads and Alderman Thiel were absent.

Ordinance 5331 as Recorded in the office of the City Clerk

ADM 09-3273 (Business Registry and License Program): An ordinance to amend the Fayetteville code by enacting a chapter to create a business registry and to require annual business licenses for all businesses and non-profits with locations within Fayetteville. *This ordinance was left on the Second Reading at the June 15, 2010 City Council meeting.*

Alderman Gray moved to suspend the rules and go to the third reading. Alderman Petty seconded the motion. Upon roll call the motion passed 6-0. Alderman Rhoads and Alderman Thiel were absent.

City Attorney Kit Williams read the ordinance.

Alderman Lucas: Staff and volunteers have worked hard on this. A tremendous amount of work has gone into this. This ordinance came out of the Economic Summit. As the Council member on the FFEAC group it was logical that I was the one to bring this ordinance forward. I hope by September most Council members will have their vacations over and be present.

Alderman Lucas moved to table the ordinance to the September 7, 2010 City Council meeting. Alderman Ferrell seconded the motion. Upon roll call the motion passed 6-0. Alderman Rhoads and Alderman Thiel were absent.

This ordinance was left on the Third Reading and Tabled to the September 7, 2010 City Council meeting.

Amend Chapter 97 Parks and Recreation: An ordinance to amend Chapter 97 Parks and Recreation of the Code of Fayetteville to permit and regulate signs recognizing donor contributions. *This ordinance was left on the Second Reading at the June 15, 2010 City Council meeting.*

Alderman Gray moved to suspend the rules and go to the third reading. Alderman Lucas seconded the motion. Upon roll call the motion passed 6-0. Alderman Rhoads and Alderman Thiel were absent.

City Attorney Kit Williams read the ordinance.

Connie Edmonston, Director of Parks and Recreation gave a brief description of the ordinance.

Alderman Gray: Connie, we don't intend to have a lot of advertisement on the trails, right?

Connie Edmonston: Correct.

Alderman Gray: A lot of the public comment we've had seems to infer that we are going to make them look like the fences at the ballparks. We don't want to have a lot of advertisements on our trails and parks. If there were modifications and changes made in the future would that have to come back to the Council?

Connie Edmonston: Yes.

Alderman Gray: It would be the Council's decision if a great number of signs were to go up.

Connie Edmonston: Yes. I hope we are overwhelmed with donations and we get a lot of requests but we will do it very tastefully. The plaques or signage will be blended into that facility.

Alderman Lucas: I asked Connie to come up with a little more of an explanation of what the recognitions would be.

Alderman Lewis: I appreciate the clarification on the perimeters. I feel that Connie and her staff would be tactful but that is not in the language. Kit, how do you decide whose name is on things?

City Attorney Kit Williams referenced Section B. III of the ordinance. They have recommended an amount before a donor would be recommended to the City Council. The final decision would be by the City Council. We need to be careful that we treat all proposed donors the same.

Alderman Lewis: The National Parks or other cities specify that the donor information will be placed in a specific location and it is very specific. I understand it is important to give recognition and we want to receive donations. I fear with the right amount of money they could be placed where they feel is the best place for their sign. That worries me for the integrity of the parks.

Alderman Ferrell: I'm the opposite, I don't fear it. I have confidence in the process. I don't think the parks are over run with signs and billboards.

Alderman Lucas: Are we looking at businesses only? What about organizations?

Connie Edmonston: Businesses, companies, organizations and individuals.

Alderman Lucas: You couldn't turn anyone down?

Connie Edmonston: We could always turn down a donation.

City Attorney Kit Williams: The final approval is by the City Council.

Alderman Ferrell: The Parks Board could turn one down, couldn't they?

City Attorney Kit Williams: They recommend it one way or the other. The final decision is up to City Council.

Alderman Lucas: If an organization came forward, who would make the decision whether that organization is going to have a sign in our parks?

City Attorney Kit Williams: We need to keep in mind the only signs that are going to be large are the facility naming signs. That would be recommended by the Parks and Recreation Advisory Board and then it would be approved by the City Council.

Alderman Petty: I support this but I do have a few concerns. What would happen if we have two donors on the same facility donating the same amount? Is that a donor management issue?

Connie Edmonston: Do you mean if two donors went together on one facility?

Alderman Petty: Right.

Connie Edmonston: I would assume it would be a donation from the two groups and they would have the right to signs up to 12 square feet and the right to name the facility.

Don Marr, Chief of Staff: It would be a donor management issue in terms of talking with the individuals and maybe jointly naming the facility.

Alderman Petty: I'm uneasy giving any group the right to name a facility. I also share a concern about context. Ideally any time we put a donor sign up it would be very contextual.

Connie Edmonston: We have a park naming facility policy within the Parks Division. When it comes before our Parks Board we table it for one month until the next board meeting in order to allow public input. That has worked well and there are several guidelines to the naming of the facility.

Don Marr: It is important at some point that you tour some things, because you have things currently existing in your park that would fall under these guidelines. If you want to change things and require all naming rights or signage recognition come to the Council for every individual item we can do that but you are going to see a lot of things that today you are not seeing because we are operationally dealing with them.

Alderman Lewis: I would like to request some language maybe that uses the word compatibility or something like we have in the form based code that shows this will be very tactful and how it will be designed.

City Attorney Kit Williams: The trail signage shall not exceed four square feet per sign, not 16 square feet. The 16 square is only if you are naming a facility or park. This ordinance allows not more than four square feet per sign on a trail.

Alderman Lewis: I would like to request some language for future staff and Council members to interpret.

City Attorney Kit Williams: I will be happy to work with you and put in any language you might suggest.

Don Marr: If you have suggestions for the changes to the levels or things we have presented to you, we are certainly open to that.

Alderman Ferrell: Sarah, if we are searching for reasonable I think we can get there.

Wayne Woolsey, President for Fayetteville Youth Baseball spoke in favor of the ordinance.

Alderman Cook moved to table the ordinance to the July 20, 2010 City Council meeting. Alderman Lewis seconded the motion. Upon roll call the motion passed 6-0. Alderman Rhoads and Alderman Thiel were absent.

This ordinance was left on the Third Reading and Tabled to the July 20, 2010 City Council meeting.

Johnson Enhanced Water Service Contract: A resolution to approve a 15 year contract for enhanced water service between Fayetteville and Johnson. *This resolution was tabled at the June 15, 2010 City Council meeting to the July 6, 2010 City Council meeting.*

City Attorney Kit Williams thanked David Jurgens and his staff who worked long and hard to get the original draft of the contracts together for water and sewer service for Johnson. This is all tied to the detachment and annexation into the City of Fayetteville from the City of Johnson of about 99 acres on the north side of Van Ashe. He gave a brief description of the resolution.

Alderman Ferrell moved to approve the resolution. Alderman Cook seconded the motion. Upon roll call the resolution passed 6-0. Alderman Rhoads and Alderman Thiel were absent.

Resolution 118-10 as recorded in the office of the City Clerk.

Johnson Sanitary Sewer Service Contract: A resolution to approve a 15 year contract for sanitary sewer service between Fayetteville and Johnson. *This resolution was tabled at the June 15, 2010 City Council meeting to the July 6, 2010 City Council meeting.*

City Attorney Kit Williams: These were very similar contracts based on the same area. David Jurgens and I looked at this and we recommend approval of the contracts.

Alderman Lewis: At the Water and Sewer meeting we discussed this does not add to staff needs.

David Jurgens, Utilities Director: That's correct. This will not increase any demands for us.

Alderman Lewis: And the lines are already there.

David Jurgens: Yes, ma'am.

Alderman Ferrell: Thanked the staff, Kit and everybody that worked on this resolution.

Alderman Cook moved to approve the resolution. Alderman Ferrell seconded the motion. Upon roll call the resolution passed 6-0. Alderman Rhoads and Alderman Thiel were absent.

Resolution 119-10 as recorded in the office of the City Clerk.

Public Hearing:

Raze and Removal 890 S. Washington Ave.: A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Ronald and Betty Ramirez located at 890 S. Washington Avenue in the City of Fayetteville, Arkansas and approving a budget adjustment of $4,149.00.

Chad Ball, Community Services Coordinator: On March 1 Code Compliance responded to a request to inspect 890 S. Washington. We had the Building Official make a determination and we determined it was in violation of City Code 173.09 Unsafe Structure. We notified the property owners on March 11 and no progress has been made. I met with the property owners this morning and they obtained a building permit. Staff recommends approval of the resolution and budget adjustment.

City Attorney Kit Williams: What specifically did you notice about the house that you felt made it unsafe?

Chad Ball: The request was from the Fire Marshall's office. There was a fire, they did their investigation and they concluded their investigation and forwarded it to Code Compliance to see if it was unsafe and structurally unsound based on the fire.

City Attorney Kit Williams: You checked it out and it was structurally unsound and unsafe.

Chad Ball: The Building Official made that determination.

Mayor Jordan opened the Public Hearing

There was no public comment.

City Attorney Kit Williams: I recommend that the resolution be passed. It doesn't mean we will immediately start razing and removing it. We will work with the homeowner to see if they will get it done.

Mayor Jordan closed the Public Hearing

Alderman Ferrell: I understood that you met with the owners.

Chad Ball: Yes sir, this morning.

Alderman Ferrell: Their intent is to salvage it.

Chad Ball: Yes sir, we are hoping for compliance but we are preparing for noncompliance.

Alderman Ferrell: Do you feel like it is a sincere deal?

Chad Ball: I sure hope so.

Alderman Ferrell: Thank you.

City Attorney Kit Williams: Mayor, before we go forward with doing a raze and removal, if they wait and there are negotiations going on for a few months, and it looks like it is going no where, I will ask Chad to come back and do a report and give notice to the owners that negotiations are off.

Alderman Lucas: Is there a time limit on this?

Chad Ball: They obtained a demo permit. It will be up to the Building Safety Division to expire that permit. They will be working with the property owners and we will be working with the property owners.

Alderman Lucas: There is a time limit

Chad Ball: Yes.

Alderman Lewis: How do they determine if it is unsafe?

Chad Ball: Structurally sound, in this case the fire deteriorated the structure to where it was structurally unsound and his report stated it would be costly to make the repairs. He determined it was in violation because of the extensive fire damage.

Alderman Petty moved to approve the resolution. Alderman Cook seconded the motion. Upon roll call the resolution passed 6-0. Alderman Rhoads and Alderman Thiel were absent.

Resolution 120-10 as recorded in the office of the City Clerk.

New Business:

Street Name Change: A resolution renaming a section of N. Shiloh Drive to N. Farm Credit Drive due to street realignment.

Mayor Jordan gave a brief description of the resolution and why the street needs to be renamed.

The street runs about 1,000 feet. There was a recommendation by the Street Committee for this name. We had no public comment on it after several months of talking about so we did not think there was going to be an issue. You can leave the name as suggested or you can change the name. Does anyone know how long it would take the 911 Committee to look at that again?

John Goddard, 911 Coordinator: We work with the 911 Committee to get the records correct in the GIS and that can happen within 48 hours or less.

Mayor Jordan asked the Council to look over a letter Mr. Knies sent recommending names.

John Goddard: When a name is picked it should be approved by the 911 Committee.

Alderman Lucas: I was not aware that the street had already been named.

Mayor Jordan: No, that was a recommendation to name it. You all have to approve it.

Alderman Lucas: After we heard some discussion about this I sent out an email and we have received well over 100 emails with suggestions of naming the street. I have a list of suggestions from the people in that area. I have a list that I have given out to the Council. I thought we would table it, give the list to GIS, let them look at this, go back to the 911 Committee and come back with a recommendation.

Mayor Jordan: I would agree with that but I think we owe Mr. Knies his side of the story.

Alderman Lucas: That will be fine.

John Goddard: How many names were submitted?

Alderman Lucas: It's not a hundred. Someone would recommend a name and everybody would weigh in on it. They thought it should be historic or nature.

John Goddard: Are they in any kind of order of preference?

Alderman Lucas: Yes. She gave examples of some of the suggested street names.

Don Marr: I have asked John for the purpose of the public if he could show a map with the section of the road we are talking about.

John Goddard showed the public the section of road that needs to be renamed.

A discussion continued regarding the naming of the street.

Alderman Ferrell: How do we go about naming a new street?

John Goddard: If it is a subdivision a developer comes forward and makes suggestions, then we take it through a 911 Committee process. They do research to make sure we are not getting confusing names.

Alderman Lucas moved to table the resolution to the July 20, 2010 City Council meeting. Alderman Lewis seconded the motion. Upon roll call the motion passed 6-0. Alderman Rhoads and Alderman Thiel were absent.

This resolution was Tabled to July 20, 2010.

City of Johnson Agreement: A resolution to approve an agreement with the City of Johnson concerning payment of $35,000.00 to Johnson, Johnson conveying .77 acres to Fayetteville, the cities mutual assistance in obtaining right-of-way for the Van Asche extension, budget adjustment of $35,000.00 and other purposes.

City Attorney Kit Williams gave a brief description of the resolution.

We agreed to pay Johnson $35,000 to off set a few years sales tax revenue loss they are going to suffer by this detachment from them. Johnson agreed to deed us .77 acres that is largely in the needed right of way area for the Van Asche Boulevard extension. That is land that we need and they have agreed to deed that to us without us paying anything for it.

Alderman Lucas thanked Kit for working on the agreement. Will Fayetteville do the construction from McGuire to 112? Johnson is on one side and we are on the other, is that right?

City Attorney Kit Williams: That is correct and we will be paying the construction cost. Johnson does not have the commercial base, money and resources that we have.

Chris Brown, City Engineer: That's correct. We have some preliminary cost estimates and concepts.

City Attorney Kit Williams: We are still looking at some federal funds that might assist if we have any of that left over.

Chris Brown: That's correct. The Council passed a resolution recently reaffirming their desire to use federal funding through the Fayetteville Expressway Economic Development Corridor Project that we got the earmark for.

Don Marr: The funding for this is coming out of fund balance which we expect to be replenished by the collection of sales taxes. The $35,000.

City Attorney Kit Williams: That's because it's offset sales tax revenue. We are going to start receiving that sales tax now. It will replenish our general fund sales tax because the sales tax will be going to us instead of Johnson.

Alderman Ferrell: Since it is assisting in the Van Asche extension could we use funds from that to pay for this?

Paul Becker, Finance Director: That's bond money. We need to pay for it from City revenue.

Alderman Ferrell: Even though it is dealing with Van Asche?

Paul Becker: Even though it's dealing with the street it's reimbursing them for lost revenue.

Mayor Jordan: I think we will look back on this someday and this will be a major acquisition for the future of this City.

Alderman Ferrell moved to approve the resolution. Alderman Cook seconded the motion. Upon roll call the resolution passed 6-0. Alderman Rhoads and Alderman Thiel were absent.

Resolution 121-10 as recorded in the office of the City Clerk.

Amend Chapter 33: Departments, Boards, Commissions, and Authorities: An ordinance to amend Chapter 33 Department, Boards, Commissions and Authorities by enacting Title XXI, Fayetteville Arts Council into the Fayetteville Code.

Jeremy Pate gave a brief description of the ordinance. The City of Fayetteville worked with the Arts Council to conduct a strategic plan process. One of the action plan items was for staff to review the resolution that was passed to see if it still made sense and put it into ordinance form. We are removing and changing some of the language. I recommend that you amend the ordinance to remove the appeal process. Staff is recommending approval of this ordinance.

Assistant City Attorney Jason Kelley read the ordinance.

Alderman Ferrell moved to amend the ordinance to remove the appeal process. Alderman Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Rhoads and Alderman Thiel were absent.

Jessica Minton, a member of the Fayetteville Arts Council: We really think this will help us have more direction so we can be of better service to the City.

Alderman Lewis moved to suspend the rules and go to the second reading. Alderman Lucas seconded the motion. Upon roll call the motion passed 6-0. Alderman Rhoads and Alderman Thiel were absent.

Assistant City Attorney Jason Kelley read the ordinance.

Alderman Gray moved to suspend the rules and go to the third reading. Alderman Lucas seconded the motion. Upon roll call the motion passed 6-0. Alderman Rhoads and Alderman Thiel were absent.

Assistant City Attorney Jason Kelley read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Rhoads and Alderman Thiel were absent.

Ordinance 5332 as Recorded in the office of the City Clerk

Amend Chapters 169: Physical Alteration of Land and Chapter 170: Stormwater Management, Drainage and Erosion Control: An ordinance amending Chapter 169: Physical Alteration of Land and Chapter 170: Stormwater Management, Drainage and Erosion Control of Title XV of the Code of Fayetteville (Unified Development Code), to clarify stabilization requirements, require phased construction for sites larger than 20 acres, clarify re-vegetation requirements, clarify requirements for cut and fill slopes and retaining walls, define maintenance responsibility for stormwater management systems, restrict location of dirt and topsoil storage and define stabilization practices for dirt and topsoil storage, define a qualified inspector for erosion and sediment control best management practices, and require site plans for one and two family residences to contain a plan for erosion and sediment control and final on-site drainage.

Assistant City Attorney Jason Kelley read the ordinance.

Chris Brown, City Engineer gave a brief review of the ordinance. Planning Commission recommends approval.

Alderman Ferrell: One of the largest complaints that I have received since I have been on the Council is drainage. I think it is something that needs to be done. Will the plan be like a master plan and have flood prevention and drainage control for each lot in a subdivision that will be required by the developer before the development.

Chris Brown: A typical subdivision will be required to have a master drainage plan. That will be an engineering plan that will show flow patterns and slopes of certain areas. During construction we have added some phasing requirements and additional stabilization requirements.

Alderman Ferrell: Will a home builder have to comply with the overall plan that is drawn up or will they have to submit plans for storm water management as they plan construction on a lot?

Chris Brown: Each individual lot can use that master drainage plan as their site plan. As part of their building permit submission they will have to show how during construction they will manage the storm water.

Jeremy Pate: We spend a lot of time fixing drainage problems. This is one of the big pros of having Building Services and Engineering together. We have had conversations about where the gaps are between the developer building the subdivision and the home builder building the home. Hopefully the City can bring that together and make the whole project be a much better project.

Mayor Jordan: This template will be a good master plan for the City

Alderman Lewis: If one of those builders chooses to do LID on one lot this would make it possible. Now it is very difficult because you do not know where the water is flowing around those surrounding lots.

Alderman Lewis moved to suspend the rules and go to the second reading. Alderman Gray seconded the motion. Upon roll call the motion failed 5-1. Alderman Petty voting no. Alderman Rhoads and Alderman Thiel were absent.

This ordinance was Left on the First Reading

Amend Chapter 171: Streets and Sidewalks: An ordinance amending the Unified Development Code Chapter 171: Streets and Sidewalks to amend and clarify sidewalk and driveway approach construction standards.

Assistant City Attorney Jason Kelley read the ordinance.

Chris Brown: This is a cleanup ordinance amendment to bring it up to date with current practices. The two things that were discussed at the Planning Commission meeting were the thickness requirements and the compressive strength requirement of the concrete.

Alderman Cook: Why did we go from five to four feet on sidewalk width?

Chris Brown: That actually is affective width.

Alderman Cook: Are we still building five foot sidewalks?

Chris Brown: The Master Street Plan has not changed it still has five foot sidewalks.

Alderman Cook moved to suspend the rules and go to the second reading. Alderman Ferrell seconded the motion. Upon roll call the motion 6-0. Alderman Rhoads and Alderman Thiel were absent.

Assistant City Attorney Jason Kelley read the ordinance.

Alderman Cook moved to suspend the rules and go to the third reading. Alderman Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Rhoads and Alderman Thiel were absent.

Assistant City Attorney Jason Kelley read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Rhoads and Alderman Thiel were absent.

Ordinance 5333 as Recorded in the office of the City Clerk

Amend Chapter 177: Landscape Regulations: An ordinance amending Title XV: Unified Development Code of the City of Fayetteville, to amend Chapter 177: Landscape Regulations in order to modify existing requirements and regulations that address perimeter landscaping for development.

Assistant City Attorney Jason Kelley read the ordinance.

Jeremy Pate gave a brief description of the ordinance. We recommend removing the requirement for the 25 feet of green space in the I-540 Design Overly District. This requirement was adopted in 1994 before our commercial design standards required you to have green space adjacent to the street and before you were required to have a certain percentage of green space on your property. Planning Commission voted 7-0 in favor of this request.

Alderman Lewis: Where is that 25 feet of green space?

Jeremy Pate: Within a street cross section typically you would have the road, then green space, then a sidewalk, then outside the sidewalk on the private property there is 15 feet of green space before the parking lot.

Alderman Lewis: Are you reducing the one between the sidewalk and the building?

Jeremy Pate: Correct.

A discussion followed on the ordinance.

Alderman Petty: I think it is common sense to place these requirements on developers.

This ordinance was Left on the First Reading

Ozark Transit Authority Interlocal Agreement: An ordinance approving an amendment to the Interlocal Agreement providing for participation of the City of Fayetteville in the Ozark Transit Authority.

Assistant City Attorney Jason Kelley read the ordinance.

Don Marr: There are a couple of primary changes to the Interlocal Agreement. One is to remove language that any other incorporated city may become a member of the Interlocal Agreement as its own option is replaced with language that requires incorporated cities may

become a member upon a majority vote of the Board of Ozark Transit Authority. The other one is in Section 3 and it relates to the recommendation to amend the agreement so that the authority is governed by a Board of Directors consisting of one appointment from each of the County Judges and City Mayors of the Counties and Cities mentioned in Section 2. It assigns them term limits of four years after their initial appointment. The terms are set up on a staggered basis.

Alderman Lewis: What efforts are being made, if any, to coordinate the Ozark Transit Authority and the Razorback Transit?

Alderman Marr: This group does not deal with that at all. This group is a board that specifically addresses the operations of Ozark Regional Transit. There were discussions at one time between the University, the Razorback System and Ozark Regional Transit. That fell through as a result of a lack of the University's interest in a combined system.

Alderman Lucas: This board decides the routes?

Don Marr: This board would provide approval of routes, route additions, route deletions, funding and budget approval. It is the governing body for Ozark Regional Transit. I am an appointed member by Mayor Jordan.

Alderman Ferrell: With all due respect, if I was the Mayor I would like this but I am not and I don't. I think you need scrutiny on policy and public law. I support all of it except Section 9.

Mayor Jordan: This board wanted to appoint the members. They would stay on a long time.

Don Marr: We were advised by the City Attorney to look at language in that, because in the original bylaws and agreements they are to be appointed by the Mayor. You could have a situation where a person was serving appointed by one Major that would not come up through the term of the next Mayor and therefore not have a reappointment. It is how it functions today. The appointments are made annually by the Mayor or the County Judge. It puts into the code what is the actual practice. It is not a new practice that is being added or changed.

A discussion followed on the ordinance.

Alderman Lewis: If there is a new Mayor and that Mayor does not appoint someone new, their term would run out at said date?

Don Marr: If the Mayor does not appoint someone the Mayor is the appointee.

Alderman Petty moved to suspend the rules and go to the second reading. Alderman Cook seconded the motion. Upon roll call the motion 6-0. Alderman Rhoads and Alderman Thiel were absent.

Assistant City Attorney Jason Kelley read the ordinance.

Alderman Petty moved to suspend the rules and go to the third reading. Alderman Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Rhoads and Alderman Thiel were absent.

Assistant City Attorney Jason Kelley read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-1. Alderman Ferrell voting no. Alderman Rhoads and Alderman Thiel were absent.

Ordinance 5334 as Recorded in the office of the City Clerk

Announcements:

Highway 112 Garland Avenue and the Arkansas Highway Department meeting is scheduled for Thursday, July 8, 2010 from 4:00 to 7:00 p.m. at Trinity Methodist Church.

There will not we a Ward 4 meeting in July.

Meeting adjourned at 8:15 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer