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 20, 2010

A meeting of the Fayetteville City Council was held on July 20, 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, Petty, Rhoads, Ferrell, Lewis, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Lucas

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items:

Ambulance Authority Annual Report to the Council – Becky Stewart

Alderman Ferrell: Chief Dayringer and I are the City representatives on the Ambulance Authority. Alderman Ferrell welcomed Becky Stewart, Chief of EMS, Mr. Loyd Swope, Chairman of EMS, and Assistant Chief, Steve Harrison.

Becky Stewart gave a brief report of the Ambulance Authority. She stated the average emergency response time has been improved. The requirement by contact is eight minutes and routinely we have had a response time on six minutes and 30 seconds. The challenges for the future are work force. There are not enough paramedics to fill the vacancies in EMS across the nation.

Alderman Lewis: Do you think the paramedic shortage will increase?

Becky Stewart: I don't think the outlook is much better. Locally we are doing a grass roots effort to teach teenagers first responder classes called Camp Rescue.

Alderman Thiel: Seems like everything is going as we had hoped. You're doing a good job.

Becky Stewart: Thank you.

Agenda Additions: None

Consent:

Approval of the July 6, 2010 City Council meeting minutes.

Approved

Ranger's Pantry Pet Food Bank Donation: A resolution approving a budget adjustment to recognize Community Services donation revenue for the Ranger's Pantry Pet Food Bank in the amount of $738.00.

Resolution 122-10 as recorded in the office of the City Clerk.

Animal Services Donation Revenue: A resolution approving a budget adjustment to recognize Animal Services donation revenue for the second quarter of 2010 in the amount of $19,123.00.

Resolution 123-10 as recorded in the office of the City Clerk.

RFP #10-07 Score American Soccer Co.: A resolution awarding RFP #10-07 and approving the purchase of youth soccer uniforms from Score American Soccer Co. in the amount of $27,097.00 for the Fall 2010 and Spring 2011 recreational season.

Resolution 124-10 as recorded in the office of the City Clerk.

Bid #10-44 Peterbilt of Fort Smith, LLC: A resolution awarding Bid #10-44 and approving the purchase of two (2) automated side-load solid waste trucks from Peterbilt of Fort Smith, LLC in the total amount of $536,418.00 and approving a budget adjustment.

Resolution 125-10 as recorded in the office of the City Clerk.

Amend Resolution 63-08, Arkansas Western Gas Company: A resolution amending Resolution 63-08 by authorizing an additional appropriation of $79,938.20 and approving an agreement with Arkansas Western Gas Company in the total amount of $497,069.52 for relocation of gas lines and appurtenances to allow construction of improvements to Mount Comfort Road.

Resolution 126-10 as recorded in the office of the City Clerk.

Insituform Technologies, Inc.: A resolution approving a contract extension with Insituform Technologies, Inc. in the amount of $330,000.00 for cured-in-place sanitary sewer linings.

Resolution 127-10 as recorded in the office of the City Clerk.

Forest Hills Partners, LLC: A resolution approving a cost-share agreement with Forest Hills Partners, LLC in the amount of $135,000.00 for construction of the Broyles Avenue gravity sewer line, and approving a budget adjustment.

Resolution 128-10 as recorded in the office of the City Clerk.

Goodwin & Goodwin, Inc. Change Order No. 1: A resolution approving Change Order No. 1 to the construction contract with Goodwin & Goodwin, Inc. in the amount of $367,518.17 for construction of the Broyles Avenue gravity sewer line, maintaining a $45,000.00 project contingency, and approving a budget adjustment.

Resolution 129-10 as recorded in the office of the City Clerk.

Airport - Refinance Hangars: A resolution to amend Section 2 of Resolution No. 109-06 to lower the annual percentage rate and the monthly repayment amount.

Resolution 130-10 as recorded in the office of the City Clerk.

Today in America Contract: A resolution approving a contract with Today in America in the amount of $19,800.00 for the production of a television segment pertaining to Economic Development in Fayetteville and approving a budget adjustment.

This resolution was removed from the Consent Agenda for discussion.

Alderman Cook moved to approve the Consent Agenda with A.11 Today in America Contract removed for discussion. Alderman Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Rhoads was absent during the vote. Alderman Lucas was absent.

<u>The following item was removed from the Consent Agenda for discussion:</u>

Today in America Contract: A resolution approving a contract with Today in America in the amount of $19,800.00 for the production of a television segment pertaining to Economic Development in Fayetteville and approving a budget adjustment.

Alderman Cook: Is there a different way we can do this? Is this the right way to do this? Can we produce the video or have someone else produce the video to have it as tool for the future?

Mayor Jordan: Lindsley Smith was contacted by Today in America hosted by Terry Bradshaw. They sent a video and I looked at it before we started the process. They told us the $19,800 will be for the show that they will produce. It will be on national television for five minutes which gives us national exposure. It also goes to twelve different markets. We will assist in the editing and we will keep the product. Lindsley didn't think we could do that kind of production for that amount of money. The funding comes out of the economic development fund. It is in the general fund but it is a set aside fund to be used only for economic development.

Alderman Cook: Who are we trying to reach and is this the right venue to reach those people? Who are we trying to reach as an economic development tool?

Mayor Jordan: It will reach cities all over the United States. I hope we can draw in businesses with this.

Don Marr, Chief of Staff: I think Lindsley was thinking that having a show that speaks about your community and gets national exposure from a third party perspective gives it more creditability than you yourself saying it as a city. I think it is an infomercial, one that is used and targeted for site selection consultants, individuals, and communities. The show is titled America's Best Hidden Gem Environments in Business. One of the areas of focus for promoting Fayetteville is a business friendly community and it is targeted for economic recruitment.

Alderman Cook: Once it is complete we get the rights to it. I assume the Chamber and City will use that as a tool. I'm curious how we might envision using that going forward.

Steve Clark: I was present during the phone calls with the Mayor, Lindsley, and others as this was being brought to the attention of the City. I recommended that the City move forward on this for a number of reasons. One of the reasons is that the City has editorial control over the script and the visual. We will be able to use the product when it is complete.

Alderman Thiel: As a representative of the Chamber you recommend it. Was there any consideration of the Chamber paying for this or part of this?

Steve Clark: There certainly was, we wouldn't have $19,800 for this investment so we would not be able to do that as a matter of physical restraint and lack of funding. In the contract that we have with you it does not indicate that we would spend that amount of money on a production. As we are building our representation of the City this was not a tool that we would have had in this first year of this contract. It is now a tool that is coming to us if you choose to do this that will be a part of our second, third, and fourth years of doing this work that we will use.

Don Marr: The contract that the Council approved for economic development services outlined certain collateral pieces that would be used for the benefit of the City and would be passed through to the City at our cost. We had very specific action items in the contract.

Alderman Ferrell: Would one surmise that they probably weigh pretty heavy on our attempt to capitalize on green industry around here?

Steve Clark: Yes, when you talk about innovation and creativity you are talking about best green sustainable practices.

Alderman Gray: Steve, how many times will it show? You mentioned 18 or 19 times.

Steve Clark: That is my understanding. We get to pick the media markets. There are 100 media markets in the United States and we get to pick 19 of those. We will be able to use these materials in both local and state markets and we will be looking to use them in conjunction with other regional markets. We will be looking for other markets also and we will have the flexibility since we own the piece.

Alderman Gray: Our contract with them is for how many?

Steve Clark: 19 to 20 total.

Alderman Gray: That is how many times that five minutes will be shown?

Steve Clark: That's correct.

Alderman Lewis: I received an email about the legitimacy. I would like for you to speak about the process that went into validating the legitimacy of the organization.

Don Marr: Fritz Gisler and Lindsley Smith investigated the show. They talked to references who had worked with Today in America previously. We ran a Better Business Bureau background check, there were no issues and it was a valid company. The contract was reviewed by the City Attorney's office. We requested certain changes that were made to be in compliance with those that we normally request. We have no reason to believe that it is not a reputable organization.

Steve Clark: I did some verification myself and everything I saw indicated it is a very valid and a well run professional organization.

Alderman Rhoads: Is it a one time expense? Is there any chance they will come back and say we have you half way there but now we need another $19,000?

Steve Clark: I understand it's a one time expense. If I heard the Mayor correctly he said they won't get the money until they deliver the product.

Mayor Jordan: I told them I wanted to run it through the City Council.

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

Resolution 131-10 as recorded in the office of the City Clerk.

Unfinished Business:

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. This ordinance was left on the Third Reading at the July 6, 2010 City Council meeting and Tabled to the July 20, 2010 City Council meeting.*

Connie Edmonston, Director of Parks and Recreation: There have been several revisions to the ordinance and to the operational policy. We have added more specific language to the ordinance to establish fair and proper recognition of capital facility donations. She read the language that was added.

Allison Jumper, Park Planner gave a brief slide presentation on the different donation categories.

Don Marr: I asked Terry Easton a Fayetteville resident that has raised over $8,000,000 in public, private, partnerships for cities and their trail programs to come speak to you specifically about the River Market Medical Mile.

Terry Easton gave a brief presentation and talked about why it is important to have a policy for corporate fund raising. She gave examples of what they were able to do in Little Rock.

Alderman Ferrell: What is your assessment about how the community of Little Rock has received these?

Terry Easton: The community of Little Rock loves the Medical Mile. It is featured in all of their advertisements.

Alderman Rhoads: Since the work was done, is there any factual, statistics available that show what the trail usage is for the Arkansas River Trail?

Terry Easton: The Arkansas Diabetes Association established a premier project to teach diabetic cooking in the River Market and then take their classes for a walk on the Medical Mile.

Alderman Rhoads: Are there statistics that say since that project was introduced and all the improvements took place that the usage went up from 1,000 people a day to 40,000?

Terry Easton: Those statistics don't exist but I can tell you that a multi million dollar playground was developed off of this project and is now a companion to it.

Alderman Rhoads: I see corporations using it when they have given money. Ultimately as I look at my role on this City Council I want something that the people will use. Signs or no signs they love the facility or because of the signs they won't use it because they don't like signs.

Alderman Lewis: One of the art displays was sponsored by Blue Cross and Blue Shield, were there any other insurance companies that donated?

Terry Easton: No. The position of the city and the position of the artist and my position is this is not an advertisement for your business and if you think it is we need to stop talking right now. This is a health messaging project where you are allowed to teach the public.

Karen Reese spoke in opposition of the ordinance. She stated she is concerned about the aesthetics and the messages. She stated she does not want logos when she goes to the parks.

Alderman Ferrell: How about the people that don't agree with you? What if we have someone that is investigating the possibility of building a tennis court, that a lot of citizens would like, but because you don't want it, should they not have a chance to be considered for that tennis court?

Karen Reese: I didn't understand who you said was going to do this.

Alderman Ferrell: Whoever is going to foot the bill realizes they can't put up a sign with chicken, as you referred to, and they want something esthetically pleasing. They contact staff and other people to arrive at something, within the parameters that we have, and they would be interested in building a tennis court.

Karen Reese: I think the problem you are going to have is whose esthetic is it going to be.

Alderman Ferrell: We have the City Council, Parks Board, and Parks staff, is there a link in there that you don't think would be responsible in looking at these things?

Karen Reese: I'm not convinced that the Council or staff will be able to pull this off in a way that is pleasing philosophically and esthetically to Fayetteville citizens.

Bill Mueller, Ward 4 resident: What I'm concerned about is esthetics. I want an esthetic experience on the trail and in the parks. I don't want my sense of esthetics offended by advertising. He voiced his concern about the size of logos that might be proposed.

Alderman Gray: Have you seen anything in any of our parks that you felt was not esthetically pleasing?

Bill Mueller: No, but a couple of pictures in the paper offended me. Not the fact that the photograph was taken or how it was taken but the picture of the parameter at Walker with the various signs along the fencing.

Alderman Gray: I think that's at the sports park.

Bill Mueller: Right.

Alderman Gray: That's entirely different from what we are talking about.

Bill Mueller: And the picture of the pavilion with Rotary Club sign.

Alderman Gray: The Fayetteville Rotary Club.

Bill Mueller: I felt that sign dominated that pavilion it was unnecessarily large. But where I normally go no.

Alderman Gray: The same people will be making those decisions in the future that have made them in the past.

Bill Mueller: There in lies a very important point. The system needs to be set up so that when there are changes in personnel things don't fall apart.

Alderman Gray: There will be the same input from the citizens of Fayetteville that there is today. That is going to keep Fayetteville esthetically pleasing.

Bill Mueller: As long as the ordinance permits that. I want to see the controls in the ordinance and I want to see things well defined in such a way that the esthetics will continue as they have been.

Alderman Gray: That is the reason our City Attorney has rewritten it twice.

Bill Mueller: I was unable to pull up the revised ordinance on the city website. I had to refer to the old verse which was a month old.

Alderman Lewis: What are your thoughts about the option of naming a facility after an entity?

Bill Mueller: As long as it is under the control of the City Council to make the decision I don't have a big problem with it. I'm uncomfortable with that decision being assigned to city staff.

Don Marr: The ordinance previously did not include the operational policy. One of the things we did, to make sure it would be clear, was to say that we are going to have to have the majority of the Council vote to change the policy. The operational policy is part of the ordinance. It can't be changed by staff. I think there is a strong strengthening of naming within this proposal. Currently parks are named without City Council approval. It's done at the Parks Board level. It has a thirty day posting, after that period the park is named. We have put in greater control to the City Council.

Bill Mueller: Did I understand Don to say the operational policy will be incorporated in the ordinance?

Alderman Thiel: Yes it is.

Alderman Thiel moved to amend the ordinance as suggested by the City Attorney and the Parks Department. Alderman Petty seconded the motion.

City Attorney Kit Williams read the proposed ordinance.

Bill Mueller: I am much more comfortable this evening than I was previously. Some of the specific suggestions that I would have had, have been incorporated in that proposal. Esthetics is the big issue for me.

City Attorney Kit Williams: That is certainly the intent of this. The Mayor, Chief of Staff, Connie, and I listened to you all at the last meeting and we tried to make sure we were differentiating between the trail signs and parks signs. We wanted to make sure esthetics would be considered and enforced.

Bill Mueller: Some of the work done by staff showed a sign that was larger than the text. They talked about the sign being a certain size and it was measured by the text not the over all sign size. Have you dealt with that issue?

City Attorney Kit Williams: We have in our sign ordinance. We don't measure the support of the sign. We only measure the actually sign.

Bill Mueller: You do measure the total physical size of the sign?

City Attorney Kit Williams: Right, the part that is being held up.

Patty Besom, resident of Ward 2, 15 NW Avenue: Thanked Alderman Lewis for bringing up the issue of signs. It's great to go to the parks and bike paths and not see signs.

A representative of Smith Two-Way spoke in favor of the ordinance.

Alderman Thiel: I recognize some of the concerns we've heard. After the amendments have been made I don't feel like any of the signs will be distractive. I feel like this is a good move and I strongly support it.

Alderman Lewis: We are only amending it right now to add this.

Mayor Jordan: Yes.

Upon roll call the motion to amend the ordinance as suggested by the City Attorney and the Parks Department passed 6-1. Aldermen Rhoads, Ferrell, Gray, Thiel, Cook, and Petty voting yes. Alderman Lewis voting no. Alderman Lucas was absent.

The amendment passed.

Alderman Lewis moved to amend the ordinance to remove the use of logos. Alderman Rhoads seconded the motion.

Alderman Ferrell: I understand the way you feel Sarah but I disagree. I think it is important that it is done in an esthetically pleasing manner but I think it is important that we have the opportunity to be able to do that.

Alderman Lewis: The idea of a logo associates in an emotional why to an organization and their morals and visions. People should not have to make a moral decision when entering a public space.

Terry Easton: I do believe logos can be incorporated very effectively and inoffensively in park projects. When you remove that opportunity for a small logo you are telling that donor you don't value their donation.

Karen Reese: I agree with City Council member Lewis about the logo. I would be willing to change my stance if logos are removed as long as there is no advertising.

Bill Mueller: I'm with Alderman Lewis on that point.

Patty Besom: I agree with the two people that spoke. Sometimes logos are more powerful than the name itself. I don't like turning our public areas into private or corporate areas.

Ken Easton, resident of Jackson Drive: Spoke in favor of the ordinance.

Aubrey Shepherd: Logos change. A simple name of a corporation or a person who donated should be there.

Alderman Rhoads agreed with Aubrey that logos change. You would rather have your name than an old logo that you have been trying to get rid. I think it is a great compromise and I don't think it will keep us from getting money.

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

This amendment failed.

Alderman Lewis moved to amend the ordinance to allow 12 square feet maximum per sign. The motion failed due to no second.

Alderman Lewis expressed her concerns regarding the perception of a private entity being connected to an organization or facility. She stated logos invade, they catch your eye. The name of the facility causes you to associate that facility with that organization and therefore it is no longer public.

Alderman Rhoads: It makes sense to me that you do not want to go too far. You want people to use the facilities and enjoy getting out there. With all the changes that have been made it is a good compromise and I am all for it.

Alderman Thiel pointed out that there have been some very good changes made to this.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-1. Alderman Lewis voting no. Alderman Lucas was absent.

Ordinance 5335 as Recorded in the office of the City Clerk

Street Name Change: A resolution renaming a section of N. Shiloh Drive to N. Farm Credit Drive due to street realignment. *This resolution was tabled at the July 6, 2010 City Council meeting to the July 20, 2010 City Council meeting.*

Alderman Lewis gave a brief description of the resolution. She explained the responsibilities of the Street Name and Address Committee.

John Goddard, GIS Coordinator gave a brief description of the responsibilities of the committee. He listed the names that were considered for the street. There are three names that have come to the top as favorites, Cowboy, Big Horn, and Henbest.

Ben Henbest, resident 2901 W. Mount Comfort Rd. and great grandson of John Henbest told the history of his grandfather and their land. It would be perfect to name the road after him.

Alderman Lewis: What was your great grandmother's name?

Ben Henbest: Genevieve Helena Tillitan Henbest and she taught school at the Salem School House that runs off of Mount Comfort Road and sits up on the hill.

Alderman Lewis moved to amend the resolution to name the street North Henbest Drive. Alderman Thiel Seconded the motion.

Representative with Farm Credit: I have no issue with the Henbest family. It is an agricultural community in that area, therefore our thought was we wanted to have something with an agricultural connotation.

Alderman Ferrell stated he thought the name was very appropriate.

Upon roll call the motion to amend the resolution passed 7-0. Alderman Lucas was absent.

The amendment passed.

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

Resolution 132-10 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. *This ordinance was left on the First Reading at the July 6, 2010 City Council meeting.*

City Attorney Kit Williams read the ordinance.

Sarah Wrede, Staff Engineer: I'm here to answer any questions.

Alderman Lewis asked for clarification on the preliminary plat master build out section.

Sarah Wrede clarified the requested section of the ordinance. She stated we are encouraging upfront evaluation of what the drainage system is going to need to be.

Jeremy Pate, Internal Services and Development Director: This plan will be established during the preliminary plat infrastructure installation. Utilities are not typically installed at that time. If a developer goes in and puts these swales in and there is a utility easement there, when the utilities come through they change the grades and the drainage no longer works.

Alderman Lewis: The direction we are going is putting the utilities back there not the drainage.

Jeremy Pate: That's generally correct. There are some cases that can't happen where there is tree preservation in the rear.

Fran Alexander made a comment on the effects of sediment to the quality of water. She also requested that the ordinance be left on the second reading.

Alderman Lewis: The EAC had a chance to look.

Fran Alexander: Perhaps we could have a combined meeting of all three groups.

Aubrey Shepherd spoke in favor of the ordinance.

This ordinance was left on the Second Reading.

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. *This ordinance was left on the First Reading at the July 6, 2010 City Council meeting.*

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

City Attorney Kit Williams read the ordinance.

Fran Alexander asked if the ordinance could be left on the second reading.

This ordinance was left on the Second Reading.

New Business:

Smith Communications (Ivey Road Cell Tower): A resolution approving a lease agreement with Smith Communications, LLC for the location of a cellular tower near Ivey Road.

Don Marr gave a brief description of the resolution. He stated staff recommended approval.

Alderman Ferrell moved to approve the resolution. Alderman Thiel seconded the motion. Upon roll call the resolution passed 6-0. Alderman Rhoads was absent during the vote. Alderman Lucas was absent.

Resolution 133-10 as recorded in the office of the City Clerk.

Announcements:

Chief of Staff Don Marr reminded City Council about the City Plan 2030 Discussion.

Jeremy Pate thanked everyone who participated in the Paws for a Bargain Rummage Sale for the Animal Shelter.

Meeting adjourned at 8:35 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer