

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
December 7, 2010**

A meeting of the Fayetteville City Council was held on December 7, 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, Lucas, Lewis, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

America in Bloom

Gail Howard and Martha Haguewood members of Fayetteville in Bloom presented awards to the City of Fayetteville on behalf of the America in Bloom program.

Mayor Jordan stated on behalf of the Council and citizens of Fayetteville we thank you.

Agenda Additions:

Consent:

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

Approved

Bobcat Skid Steer Loader Budget Adjustment (Resolution 177-10): A resolution approving a budget adjustment in the amount of \$43,000.00 to provide funding for the purchase of a Bobcat skid steer loader authorized by Resolution No. 177-10.

Resolution 205-10 as recorded in the office of the City Clerk.

Arkansas State Police Drug Task Force General Improvement Grant: A resolution authorizing acceptance of a non-matching Arkansas State Police Drug Task Force General Improvement Grant in the amount of \$38,604.00 for the purchase of two (2) undercover law enforcement vehicles, and approving a budget adjustment.

Resolution 206-10 as recorded in the office of the City Clerk.

Arkansas State Police Special State Asset Forfeiture Grant: A resolution authorizing acceptance of a non-matching Arkansas State Police Special State Asset Forfeiture Grant in the amount of \$19,302.00 for the purchase of an undercover law enforcement vehicle, and approving a budget adjustment.

Resolution 207-10 as recorded in the office of the City Clerk.

Arkansas State Police Trunking Radio System General Improvement Grant: A resolution authorizing acceptance of a non-matching Arkansas State Police Trunking Radio System General Improvement Grant in the amount of \$36,000.00 for the purchase of eight (8) portable radios, and approving a budget adjustment.

Resolution 208-10 as recorded in the office of the City Clerk.

Police Department Unit Replacement: A resolution approving a budget adjustment in the amount of \$25,000.00 to recognize insurance settlement proceeds related to the total loss of a police department undercover vehicle and to establish an appropriation for a replacement.

Resolution 209-10 as recorded in the office of the City Clerk.

Heckathorn Construction Company, Inc. Bid #10-66: A resolution awarding Bid #10-66 and authorizing the construction and installation of electrical generators by Heckathorn Construction Company, Inc. in the amount of \$78,502.00 for use by the Fire Department.

Resolution 210-10 as recorded in the office of the City Clerk.

City of Greenland Wastewater Contract: A resolution approving a contract extension with the City of Greenland for the operation and maintenance of its wastewater collection system.

Resolution 211-10 as recorded in the office of the City Clerk.

Crossover Road Water and Sewer Relocation AHTD-Utility Agreement: A resolution approving a water and sewer utility relocation expense cost-sharing agreement with the Arkansas Highway and Transportation Department related to the widening of Crossover Road (State Highway 265) between Mission Boulevard and Joyce Boulevard.

Resolution 212-10 as recorded in the office of the City Clerk.

Baird, Kurtz & Dobson (BKD), LLP: A resolution approving a contract with Baird, Kurtz & Dobson (BKD), LLP, in the amount of \$84,200.00 to provide independent audit services to the City of Fayetteville.

Resolution 213-10 as recorded in the office of the City Clerk.

Happy Hollow Elementary Easement: A resolution to modify the tree preservation easement for Happy Hollow Elementary located west of Crossover Road, one-half mile north of Huntsville Road.

Resolution 214-10 as recorded in the office of the City Clerk.

Butterfield Trail Village Project Revenue Bond: A resolution to ratify the resolution of the Fayetteville Public Facilities Board approving refunding revenue bonds (Butterfield Trail Village Project), Series 2010 in a principal amount of not to exceed nineteen million dollars (\$19,000,000.00)

Resolution 215-10 as recorded in the office of the City Clerk.

Alderman Gray moved to approve the Consent Agenda. **Alderman Lucas** seconded the motion. Upon roll call the motion passed unanimously.

Unfinished Business:

2011 Annual Budget & Work Program: A resolution adopting the 2011 Annual Budget and Work Program. *This resolution was tabled at the November 16, 2010 City Council meeting to the December 7, 2010 City Council meeting.*

Paul Becker, Finance Director gave a brief description of the resolution.

Alderman Ferrell stated he feared the worst of our economic problems are not over. He stated he knows much consideration has been given to the budget and there has been a lot of give and take. He would like to see funds moved from trails to add sidewalks on Old Wire Road for the safety of children in that area.

Alderman Ferrell moved to amend the resolution to move \$300,000 from the Trails project and transfer it to the Old Wire Road project. The motion failed for lack of a second.
Motion failed.

Alderman Gray moved to approve the resolution. Alderman Thiel seconded the motion. Upon roll call the resolution passed 7-1. Alderman Ferrell voting no.

Resolution 216-10 as recorded in the office of the City Clerk

SouthPass Amendment No. 1: An ordinance approving Amendment No. 1 to a residential planned zoning district entitled R-PZD 08-2898 SouthPass to amend the phasing plan, reduce the project acreage and density, rezone a portion of the property to RSF-0.5, amend Condition No. 10 regarding the \$1 million contribution and change the name of the PZD. ***This ordinance was left on the Second reading at the November 16, 2010 City Council meeting.***

Alderman Thiel moved to suspend the rules and go to the third reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Internal Services and Development Director gave a brief description of the ordinance. Staff is recommending approval of the requested ordinance amendment. All the construction permits for the first phase of the infrastructure would need to be obtained within five years if this is approved tonight.

Alderman Lewis: If it doesn't happen in five years what happens?

Jeremy Pate: We have an extension period allowed by our ordinances but if they don't meet those requirements within the extension period allowed by city codes then we will be back to square one. The City Council could look at extending that again or we could go through the revocation process to revoke the PZD.

Alderman Lucas: The first phase money wouldn't have to be paid?

Jeremy Pate: If the PZD doesn't happen and the first phase is never constructed that's correct. There would be no payment of the funds if nothing develops on the property.

Alderman Ferrell: Jeremy, would you say that from all that has happened in this we have probably come as close to making lemonade out of lemons as we can.

Jeremy Pate: I would think so. The Mayor and Chief of Staff worked long and hard with Chambers Bank to try to come to some terms of agreement that was in the spirit of what the Council approved several years ago. They made it very clear what their expectations were and we were very clear with what ours were. I think we were able to come to an agreement with these conditions with the ordinance amendments we have in place.

Alderman Lucas: You're absolutely right. I was hoping we would get at least the first bit of money for the park but I think this is as good as we can do. I appreciate the fact that we got the land.

Jeremy Pate: We hold an unencumbered title that is free of any kind of lien.

Alderman Lucas: I think that is a good move.

Alderman Thiel: I commend Chambers Back for working with the City and trying to salvage what they can. They have been very generous and I think the citizens owe them for that generosity.

Alderman Lewis: I contacted some of the neighbors out there and they thought it was a good way to finalize this.

Mayor Jordan thanked the staff and Chief of Staff and stated they did a wonderful job. He also thanked the Council.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5364 as Recorded in the office of the City Clerk

New Business:

VAC 10-3662 (Oakbrooke Ph III): An ordinance approving VAC 10-3662 submitted by Bates and Associates for property located in the Oakbrooke Subdivision, to vacate existing utility easements and tree preservation areas and re-dedicate them in the proper location, as described herein.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

City Attorney Kit Williams read a corrected version of the ordinance.

Alderman Lewis: The areas where they are running the gas lines, sewer, and water are they vacated?

Jeremy Pate: We are vacating all of them and rededicating them by plat before any new development action could occur on the property.

Alderman Lewis: The document states relocation of utilities is at the owners/developers expense. My concern is what if the developer goes bankrupt is that on the homeowner?

Jeremy Pate: That is referring to the developer of the subdivision. He currently owns all the property. All the utilities that are in place would remain in place. This is a standard condition on all vacations.

Alderman Lucas: What we are voting on does not change it from the PZD we have right now and it doesn't change the density.

Jeremy Pate: That's correct.

Alderman Lucas moved to suspend the rules and go to the second reading. Alderman Lewis seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Gray moved to suspend the rules and go to the third reading. Alderman Thiel seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5365 as Recorded in the office of the City Clerk

Regional Urban Stormwater Education Program: An ordinance waiving the requirements of formal competitive bidding and approving a Memorandum of Understanding with the MS4 Jurisdictions and the Northwest Arkansas Regional Planning Commission in the amount of \$44,551.97 for the Regional Urban Stormwater Education Program to be provided by the University of Arkansas Cooperative Extension Service to satisfy portions of the NPDES Phase II Stormwater permit requirements.

City Attorney Kit Williams read the ordinance.

Sarah Wrede, Staff Engineer gave a brief description of the ordinance.

Alderman Lewis stated she would recuse herself from voting on this ordinance.

Alderman Rhoads 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 Lewis recused. Alderman Petty was absent during the vote.

City Attorney Kit Williams read the ordinance.

Alderman Rhoads 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 Lewis recused. Alderman Petty was absent during the vote.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. **Alderman Lewis** recused.

Ordinance 5366 as Recorded in the office of the City Clerk

Amend Ordinance No. 5356: An ordinance amending Ordinance No. 5356 concerning parking regulations by removing the sunset provision.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams stated this was brought forward by the City Clerk because the City Council requested a review. We were directed to bring a review of the sunset to you at this meeting. He gave a description of the ordinance.

Mayor Jordan: What we have right now is what we stay with if we vote down the sunset provision.

City Attorney Kit Williams: Yes, if you vote in favor of this ordinance you would continue the time for paid parking as it exists right now.

Don Marr, Chief of Staff gave a brief description of the ordinance. He also presented a parking assessment presentation.

Paul Becker gave a review of the City's HMR tax collections based on the various areas of the City looking at pre parking, post parking, and various business districts.

Alderman Petty: I see bars and combination restaurants but not just bars in the data.

Paul Becker: They don't pay HMR taxes.

Alderman Petty: Do you still feel like these figures are indicative of the level of business they have been having?

Paul Becker: I would suspect it would be a general indicator.

Alderman Petty: For future reference is there any taxes they pay that we have access to? I know we can't access state sales taxes.

Paul Becker: They pay liquor taxes. The liquor taxes have some distortions and there is some difficulty in them because you do a lot of netting in there. It's very difficult to ascertain that but that is some thing I can look at.

Don Marr: As you look at the assessments, they vary by year, and they vary based on the number of things that happen within the season.

Joe Utsch, Smoke & Barrel Tavern: I was wondering about the City of Fayetteville mixed drink and wine beverage tax we pay to the City. That could represent a bar on Dickson Street.

Paul Becker: I didn't do a specific analysis on that by district.

Brandon Moore, Highroller Cyclery: Has the City Council looked at the possibility of using some spaces that are immediately adjacent to the building which our customers use frequently as possibility a 15 minute loading zone?

Mayor Jordan advised Brandon to bring the discussion up later in the meeting. He stated we are trying to talk about the sunset clause and the HMR tax in general.

Seth a Fayetteville resident questioned if the provision would lock in 2:00 a.m. to 2:00 p.m. and it could never be changed.

Mayor Jordan: I wouldn't say it could never be changed.

City Attorney Kit Williams: Any new City Council can change an ordinance. You can't lock in future City Councils. The current situation we have where paid parking doesn't began until 2:00 p.m. would continue if this ordinance is passed.

Seth: There's not much happening on Dickson between 2:00 p.m. and 5:00 p.m. Why could it not be extended to 5:00 p.m. for the dinner business to encourage people to come down there in mid day?

Julie Sill, Owner of Common Grounds and Hog Haws: Spoke on behalf of the SOS Project comprised of the Dickson Street Merchants. Parking is not the only reason we are seeing declines in our businesses but the bottom line is we need to find a sweet spot to make it a win win for everyone involved. We ask for another review in 30 days or maybe one every month for the full calendar year? If you would accommodate this request we will include all taxes and data, not just HMR taxes but sales taxes and supplemental beverage taxes.

Travis Feltner, Feltner Brothers questioned how the HMR taxes were put together. Where growth rates in the different areas also analyzed to see which areas are growing at faster rates than others?

Paul Becker: We took businesses that were on Dickson Street and we picked up the new businesses.

Travis Feltner: You picked up new businesses out at the Mall and Wedington?

Paul Becker: Yes we did.

Travis Feltner: Even if they opened last year?

Paul Becker: We took what existed last year that may not be in existence this year and added it into last year's numbers. We took the new businesses that opened up this year and included it in this year's business. That is as close as we could get.

Alderman Lucas: We are looking at the sunset clause of 2:00 p.m. Is that a good move, to not start charging until 2:00 p.m.?

Travis Feltner: It definitely helped. I would like to see it go later.

Mayor Jordan: Would you say the 2:00 p.m. helped your business?

Travis Feltner: It has helped a little bit.

Alderman Petty: I think we should continue to look at the data. Every month at Agenda Session we get a birds eye view from Paul of the sales tax collections for the prior months. That might be an appropriate place to add in this discussion. If we could be shown the last months HMR data and supplemental beverage tax that would be helpful for future decisions.

Alderman Lucas moved to suspend the rules and go to the second reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Gray moved to suspend the rules and go to the third reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Mayor Jordan: I am on the A & P Commission. I can get a report for you every month and if you decide to bring something back you can.

Alderman Thiel: That would be a good idea.

Alderman Rhoads and the liquor.

Paul Becker: I will have to look into the liquor taxes because of how they are applied. Sales are deducted from them. I cannot get individual sales tax numbers but I can commit that we will do this on a regular basis.

Mayor Jordan: I will get you the HMR taxes and we will have to work on the liquor sales.

Ordinance 5367 as Recorded in the office of the City Clerk

Amend §72.18 Residential Parking Permit Program for the Entertainment District Parking Zone: An ordinance amend §72.18 Residential Parking Permit Program for the Entertainment District Parking Zone of the Fayetteville Code to allow one additional hour of public free parking (1:00 p.m. to 2:00 p.m.) on Sundays and to adopt an amended residential parking district map changing some paid parking spaces to mixed-use or residential permit only spaces.

City Attorney Kit Williams read the ordinance.

Don Marr stated the various concerns, complaints, and issues that have been received from citizens.

Sharon Waters gave a brief slide show presentation. She gave an overview of the changes that have been made to the pay stations and the parking plan.

Don Marr: About 65% of the lot vacates following a show. It's not the full 293 spaces but it is a significant number of spaces. This shows the lot is also used by patrons who are not attending a Walton Arts Center event or are doing things post show rather than just leaving immediately when the show is over.

Sharon Waters continued with the presentation.

Alderman Lewis: Can you give a percentage on how many people pay under the roof verses how many pay from their car? Is that the 75%?

Sharon Waters: There are two credit card machines under the canopy. I don't have that broken down.

Alderman Lewis: Because of the traffic it doesn't seem like it would speed things up to pay under the canopy if the traffic is backed up from the road.

Don Marr: Assuming there is not a traffic issue you are able to get out at a much quicker rate if you pre pay. We talked to the Walton Arts Center staff about encouraging pre pay for the Walton Arts Center lot when that can be done. The issue is really about traffic movement. The Mayor asked us to visit with the Police Chief, about the staff that is already working on Dickson Street, to look at traffic movement post show. He wanted to see if we could create better traffic control through the use of the stop light being manually programmed, by managing traffic at the Dickson Street exit and encouraging people to turn south on the West Street exit so not to be delayed by the cross walk or the stop light at the corner of Dickson and West.

Sharon Waters: On the larger Walton Arts Center shows, following the show, the Fayetteville Police Department will be directing traffic for the vehicles leaving the gated parking lot. It will increase traffic flow efficiency, pedestrian safety, and we anticipate it will reduce the exit time by 40%.

The features that were added in the gated lots is to start the pay time from 10:00 a.m. to 2:00 p.m., pre pay option, lost ticket feature, and the grace time for entering and existing the lot was

lengthened to 30 minutes. Any time day or night you can park for free in a gated lot for 30 minutes.

Alderman Petty: Is that for every gated lot or just the Walton Arts Center lot?

Sharon Waters: That's for all three gated lots. The lag time which is after you have paid for your parking you have 30 minutes to leave. That's in all three gated lots.

Don Marr: That started at 15 minutes and because we were not able to get people out of the Walton Arts Center shows in 15 minutes that was extended to 30 minutes so it would not add additional charges at the point of exiting.

Sharon Waters: Enhancements that city staff are getting ready to make in the gated parking lots are automated voice prompts at every exit station and additional signage to all of the lots and pay stations. We have researched the possibility of adding additional full service pay stations like under the canopy.

Don Marr asked that Chris or Brian talk about, when the decision was made for the south and east lot to not have the pay by exit. Because of the number of spaces in it we didn't feel like it warranted the expense but it does limit the ability to do the pre pay option in those two lots. A question we have gotten a lot is why can't you just program it to accept pre pay.

Chris Archer: In the east and south lots we have a pay at exit machine. The request came up for the pre pay option and it is feasible and doable on the Walton Arts Center lot because we have the full service pay station and the canopy. The reason it could not be accommodated at the other two lots is that unit is an all encompassing stand along type of unit that accepts cash, credit card and coins at the exit lane. That feature was never a possibility or available because how would you pre pay in the exit lane when you are suppose to be in your car exiting.

Sharon Waters talked about the additional signage that will be installed to differentiate the public lots from the private lots.

Don Marr we think it's important to have signage that clearly delineates it is a Fayetteville city public lot.

Alderman Ferrell: On the private lots if they boot an automobile do they leave something to identify they have done this?

Don Marr: The ordinance passed for towing required certain signage be posted stating who to contact and where the vehicle would be taken. The police chief is currently working with the police staff to evaluate each of those lots. The ordinance does not address booting and until the state law changes to allow cities to regulate booting practices we can't do that.

Alderman Ferrell: That is one of the reasons we are getting static feed back.

Mayor Jordan: I've meet with the folks in the office of the towing president and they basically said you are controlling towing but you are not controlling booting.

Alderman Gray asked for clarification of parking in the residential areas.

Don Marr: In the residential parking areas the streets are marked residential zones and the pay stations will not let citizens pay to park. The residential areas are assigned residential parking permits and visitor permits.

Alderman Petty talked about the hourly versus all day screen on the pay stations. He stated he thinks there is a usability issue with that particular screen and we need to research the feasibility of reprogramming the stations.

Don Marr stated we have one machine on Gregg Street that functions more like a parking meter. You enter your money and it gives you credit for the time. You do not get the functionality of coupons and adding time. You have the option of it accepting money and crediting it or the other functionality. This is a policy question and you will lose some functions including the employee discount.

A discussion followed on the parking stations and possible changes.

Don Marr stated some of the changes suggested are policy changes that the City Council would have to make. He gave a brief overview of the comments they have heard and the paid parking changes they have investigated.

There was no public comment.

Alderman Thiel moved to suspend the rules and go to the second reading. **Alderman Ferrell** seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Ferrell moved to suspend the rules and go to the third reading. **Alderman Rhoads** seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5368 as Recorded in the office of the City Clerk

Amend §72.50 & §72.58: An ordinance to amend Article III Parking Meters of Chapter 72 Parking Regulations of the Fayetteville Code by changing the paid parking space designation of

certain streets, by changing the maximum daily rate for paid parking to \$5.00, by eliminating a monthly paid parking program for gated city lots and for other purposes.

City Attorney Kit Williams read the ordinance.

Bruce Walker a Dickson Street businessman voiced his concerns with the paid parking plan. He stated he has heard a lot of complaints about the parking plan.

Seth a resident asked what entertainment is available in the entertainment district. He stated this is not a big city with an entertainment area or beaches as some cities with entertainment areas have.

Ralph Warner an employee on Dickson Street stated people have complained to him about the parking, it is not only the money but the experience. He stated employees are complaining about the discount plan for employees, which is not really a discount, because they have to pay to go to work.

Jake, a student at the University of Arkansas stated he does not think people should have to pay to go to work. He also voiced his concern about the lack of parking for two wheeled vehicles.

Dustin Elkins a University of Arkansas parking employee stated he does not like the parking the way it is and that he is aware of some of the parking problems. He spoke about how they handle parking at the University of Arkansas.

Jackie Peary, Parking Systems of America talked about the parking lots they manage in Fayetteville. She stated stickers are put on a vehicle when it has not paid and when it is immobilized. They have signs on their property stating the violations when patrons do not pay. She stated they request patrons to put their receipts on their dashboards. She asked that the parking maps be redone. She stated towing has not happened on their lots for two years. They boot but do not tow. They do not want to have to boot a vehicle they want people to pay.

Aldermen Ferrell asked how many privately owned lots are on Dickson Street. He stated in the past the city has had complaints regarding booting. He asked why people call the city, if they have parked in private lots, and have a sticker put on their vehicle for not paying.

Jackie Peary: I can only attest to the ones that we manage.

Alderman Lewis stated the city lot and the private lot signs say public parking that might be something to consider.

Don Marr you passed an ordinance during the first set of parking requirements that requires those lots to be labeled as private lots. That is why they are referred to on the maps as private lots. The private lot owners have been notified about the signage.

Grant Gullett: If we are going to spend money to make changes maybe we should put some into advertising and letting citizens know when free parking is allowed and what the rates are. I hope you discuss the ticket increments.

Mr. Feltner a restaurant owner stated business on show nights has disappeared mainly because of the time involved in getting in and out of the parking lots. He stated patrons have told him they are not coming to Dickson Street because they do not want to mess with paid parking. He stated their business is down. He stated our demand for parking is below our supply. Parking in Fayetteville does not exceed our supply. He also voiced his concern about the pay stations and the fact that they can not give change.

Judy Hall employee of the Dickson Street Bookshop stated their business has been severely hurt by the paid parking. She stated people ask how to use the parking stations.

Crystal Hunnicutt stated everyone has done a great job in trying to address the problems people have presented. She stated a sign on the machines stating how much to pay would help. I think it is important that you continue to look at this.

Terri Trotter representing the Walton Arts Center stated we started this program three months ago and we were trying to address an issue that has been a ten year problem on Dickson Street that there is not enough parking. We appreciate the continued effort to deal with this. Implementation of anything new is a challenge. Change is very hard and ninety days is a short period of time to figure out the impacts.

Steve Clark Chamber of Commerce stated parking is a concern. It has been a concern for a long time. I think you and staff have done a remarkable job in addressing this issue. What you have done with your leadership is good for our city. It is difficult to have a program that can address everyone's concerns but I think you have done a remarkable job. I urge you to leave the parking plan as is.

Caleb Keith employee of Dickson Street Bookshop stated there were three different plans put forward. One of them was proposed by the Dickson Street merchants and stated parking would be charged only for Thursday, Friday and Saturday nights. I would like for us to not charge parking until 5:00 p.m. I think it would help the retail business on Dickson Street.

Don Marr gave a recap of the agenda items and the changes that can be made to the parking plan.

Alderman Ferrell when this came to us it was represented to us that there was a parking problem. We have had numerous meetings and spent money. I think we need to continue to look at it and make tweaks as needed. The easiest thing to do is to have free parking all the time but that is not the way it is going to work.

Alderman Ferrell moved to suspend the rules and go to the second reading. **Alderman Lucas** seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Cook: Our goal was to pay off the debt we incurred and to create a revenue stream so we could afford bonding for a future parking lot. That is what we based our revenue model on.

Don Marr: The purchasing of an additional machine would require Council action. There will need to be a new agenda item completed if there is a consensus among you to pursue that. That is the only item of new cost that we spoke about that staff is supporting at this time. You had numerous other financial items that you asked for information on.

Alderman Lewis: Is the police control of the traffic going to take place before the Council votes on purchasing a machine.

Don Marr: The police directing traffic will begin as soon as the Walton Arts Center and our Police Department meet and work out items.

Alderman Lucas: I think a machine that is not being utilized needs to be moved to the north parking lot.

Don Marr: We agree with you on that. The only items that we would propose bringing to the Council is either those that relate to an appropriation of a new expenditure or a change in the existing rates. Also if you propose new things like an annual pass.

Alderman Rhoads moved to suspend the rules and go to the third reading. Alderman Thiel seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5369 as Recorded in the office of the City Clerk

The following item was added to the agenda at the City Council meeting.

Alderman Rhoads moved to add §72.59 Annual Parking Pass to the agenda. Alderman Lewis seconded the motion. Upon roll call the motion passed unanimously.

Amend 72.59 Dickson Street Entertainment District Annual Parking Pass: An ordinance amending Chapter 72: Parking Regulations of the Code of Fayetteville by enacting a new section 72.59 Dickson Street Entertainment District Annual Parking Pass Program to provide an annual parking pass option for parking in the Dickson Street Entertainment District.

City Attorney Kit Williams read the ordinance.

Don Marr: Alderman Rhoads asked the staff to look at an annual parking pass that would allow individuals to have some form of visual identification on a vehicle that would allow the individual to park within the district at a pay by number space. This would not guarantee parking. It would be for someone that is a frequent visitor into the district. That \$600 rate was established because we charge \$50 a space per month in some lots. We did not do a hang tag because that gets abused.

Alderman Gray: Would it be for any lot and any number?

Don Marr: No gated pay by exit lots. It is purely for the pay by space numbers. No residential either.

Zack Wood stated he likes the idea of fee paid parking. He would like to see reduced rates for employees to buy a yearly pass.

Alderman Ferrell moved to suspend the rules and go to the second reading. **Alderman Rhoads** seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Ferrell moved to suspend the rules and go to the third reading. **Alderman Rhoads** seconded the motion. Upon roll call the motion passed unanimously.

Alderman Lewis: I like the idea of doing an employee yearly pass.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5371 as Recorded in the office of the City Clerk

Amend §72.99 Penalties: An ordinance to amend §72.99 Penalties of Chapter 72 Parking Regulations to set the fine for overtime parking at \$15.00 and to limit issuing a parking citation to once within a four hour period.

City Attorney Kit Williams read the ordinance.

Don Marr: I think the reading of the ordinance articulates what we are trying to do. We think this will save us administrative time in tracking how many tickets an individual has received.

Alderman Ferrell: I think this is a good idea.

Zack asked what is the off the square parking citation.

City Attorney Kit Williams: This is the same penalty no matter where you get a ticket.

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Rhoads seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Ferrell moved to suspend the rules and go to the third reading. Alderman Lewis seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan: We have been discussing paid parking for ten years. We spent months developing a plan and months of public meetings. We initiated the parking and no one wanted it any more. The time for that parking deck is now. Everyone may not like it, it may not be perfect but somewhere we need to turn that corner and decide to build that deck for the future of this city. I want to thank you for your political will, strength and support.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5370 as Recorded in the office of the City Clerk

Repeal §156.03 Flood Damage Prevention Code: An ordinance to repeal the direct appeal to Circuit Court Provision of §156.03 (C)(6) Flood Damage Prevention Code.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: I recommended we remove part of this so an appeal of a variance can come to the City Council.

Alderman Gray 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 Petty was absent during the vote.

City Attorney Kit Williams read the ordinance.

Alderman Gray moved to suspend the rules and go to the third reading. Alderman Cook seconded the motion. Upon roll call the motion passed 7-0. Alderman Petty was absent during the vote.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5372 as Recorded in the office of the City Clerk

R & P Electroplating Donation Deed: A resolution to authorize Mayor Jordan to sign the application for donation deed for the former R & P Electroplating property and a Brownfields Agreement.

City Attorney Kit Williams: Don Marr has worked with ADEQ on this so that we will be able to obtain this land from the State Land Commissioner. Our office recommended that we actually have a Brownfield agreement in hand because it provides additional protection for the city but not complete protection. The Parks Department has indicated they would like the property.

Don Marr gave a brief overview of the application and the communications with ADEQ. They told us the property had been remediated to such a degree that ADEQ would not require a Brownfield agreement because of the \$2.4 million they spent to clean it up. They thought that we would want it for the protection and that was the same advice we received from our City Attorney's office. It is our hope that we will get accepted into the Brownfield agreement prior to the end of the year but it is contingent on them finishing Phase I by the week of December 13th.

Alderman Ferrell: Will we revisit this before the contract is executed for the transmittal of the property.

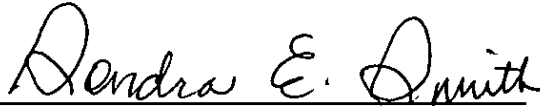
City Attorney Kit Williams read the resolution. If you pass this resolution the Mayor has the authority to accept the property and to sign the Brownfield agreement without further consultation with the City Council. He has to get the Brownfield agreement first.

Alderman Thiel moved to approve the resolution. **Alderman Petty** seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 217-10 as recorded in the office of the City Clerk

Meeting adjourned at 9:45 p.m.


Lioneld Jordan, Mayor


Sondra E. Smith, City Clerk/Treasurer