

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Boudreaux
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Sarah E. Lewis

**City of Fayetteville Arkansas
City Council Meeting Minutes
August 2, 2011**

A meeting of the Fayetteville City Council was held on August 2, 2011 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, Boudreaux, Kinion, Tennant, Ferrell, Adams, Lewis, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Petty

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items: None

Agenda Additions: None

Consent:

Approval of the July 19, 2011 City Council meeting minutes.

Approved

Bryce Davis Park Property Line Adjustment: A resolution to approve an equal property exchange of about 1,300 square feet with James E. Lindsey along the border of Bryce Davis Park and the Links of Fayetteville, to authorize Mayor Jordan to execute the necessary deed and to approve a lot line adjustment.

Resolution 130-11 as recorded in the office of the City Clerk.

Federal-Aid Transportation Enhancement Program Grant: A resolution authorizing acceptance of a Federal-Aid Transportation Enhancement Program Grant through the Arkansas State Highway and Transportation Department in the amount of \$270,000.00 for the construction of Town Branch Trail, and approving a budget adjustment.

Resolution 131-11 as recorded in the office of the City Clerk.

Walker Park Baseball Complex Improvements: A resolution approving a budget adjustment in the amount of \$100,000.00 to fund Walker Park Baseball Complex Improvements.

Resolution 132-11 as recorded in the office of the City Clerk.

Maple Street and Lafayette Street Bridge Rehabilitation: A resolution expressing the willingness of the City of Fayetteville to utilize federal-aid funds for the rehabilitation of the Maple Street and Lafayette Street bridges over the Arkansas and Missouri Railroad.

Resolution 133-11 as recorded in the office of the City Clerk.

Bid #10-44 Peterbilt of Fort Smith: A resolution authorizing the purchase of two (2) replacement automated side-load solid waste trucks from Peterbilt of Fort Smith in the amount of \$497,318.00 pursuant to Bid #10-44.

Resolution 134-11 as recorded in the office of the City Clerk.

ADM 11-3893 (Master Street Plan Amendment – Shiloh Drive): A resolution to amend the Master Street Plan right-of-way requirement for N. Shiloh Drive from N. Henbest Drive to approximately 640 feet south of the newly aligned Mount Comfort Road.

Resolution 135-11 as recorded in the office of the City Clerk.

Alderman Adams moved to approve the Consent Agenda as read. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Petty was absent.

Unfinished Business: None.

New Business:

RZN 11-3870 (2012 W. Martin Luther King Blvd./USA Drug): An ordinance rezoning that property described in rezoning petition RZN 11-3870, for approximately 0.50 acres, located at 2012 West Martin Luther King Boulevard from RMF-24, Residential Multi-Family 24 units per acre to C-1, Neighborhood Commercial.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Development Services Director gave a brief description of the ordinance. He stated the Planning Commission voted 7-1 in favor and staff is recommending approval.

Alderman Lewis: I would like to leave it on this reading and share it with Ward 4 members in more detail if possible.

This ordinance was left on the First Reading

ADM 11-3894 (Zoning Compliance & Business License): An ordinance amending the Unified Development Code of the City of Fayetteville to remove references to certificate of zoning compliance and amend Chapter 161 of the Unified Development Code to address existing nonconforming businesses for the purposes of issuing a business license.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance and explained the business license process.

Alderman Lewis: What is the reasoning behind putting the non conforming use in Section 1 and 2 separate?

Jeremy Pate explained why the non conforming uses were separated.

Alderman Boudreaux moved to suspend the rules and go to the second reading. **Alderman Lewis** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Petty** was absent.

City Attorney Kit Williams read the ordinance.

Alderman Boudreaux moved to suspend the rules and go to the third and final reading. **Alderman Kinion** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Petty** was absent.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5425 as Recorded in the office of the City Clerk

Replacing Article XV: Tree and Landscape Advisory Committee of Chapter 33: An ordinance repealing Article XV: Tree and Landscape Advisory Committee of Chapter 33: Departments, Boards, Commissions, and Authorities of the Code of Fayetteville and enacting a new Article XV: Urban Forestry Advisory Board, defining its membership, and designating its authority.

City Attorney Kit Williams read the ordinance.

Greg Howe, Urban Forester gave a brief description of the ordinance and explained the duties of the Tree and Landscape Advisory Committee.

Alderman Lewis: In relationship to the tree inventory, does that relate to this?

Greg Howe: That is in the Chapter 167 revision.

Alderman Lewis: I'm sorry. I am getting ahead of myself.

Alderman Ferrell: On page four number 10 says the board has the authority to establish committees of the board which shall be chaired by a member of the board, but which may consist of non board members who are citizens of the city or owners or managers of a business located in the city. I am more comfortable with citizens of the city being on the board however I am willing to listen to the rational or reasoning that you could have someone that worked for a business but wasn't from the City.

Greg Howe: What we were looking for is someone that owns a business in the City but might not live in the City. We assume if they own a business they have some interest in having a city that has quality of live, they will have landscaping ideas, and are concerned about what their street looks like or their development looks like. We were trying to be as inclusive of as many people as we could.

Alderman Adams: You are taking a nine member board to a seven member board. Will that occur through attrition or are you going to do something now to reduce the members?

Greg Howe: We currently have nine people on the advisory board. The way this is written it allows them to all stay on the board and then when their time is up we will just not renew two of those.

Alderman Adams: Okay good.

Alderman Boudreaux moved to suspend the rules and go to the second reading. Alderman Lewis seconded the motion. Upon roll call the motion passed 7-0. Alderman Petty was absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Lewis thanked the Board for working on this ordinance.

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

Ordinance 5426 as Recorded in the office of the City Clerk

Amend Chapter 167 Tree Preservation and Protection: An ordinance to amend Chapter 167: Tree Preservation and Protection of the Unified Development Code by replacing all references to "Landscape Administrator" with "Urban Forester", allowing increased flexibility for off-site preservation and forestation and for other reasons.

City Attorney Kit Williams read the ordinance.

Greg Howe gave a brief description of the ordinance and listed the changes made to Chapter 167.

Alderman Lewis: There is a difference in cost on the budget adjustment regarding the inventory and the analysis. There is a potential cost savings.

Greg Howe: We will potentially have a cost savings. Greg explained the estimated cost for the tree survey and analysis.

City Attorney Kit Williams: I handed out a revised Exhibit "B" because the \$250.00 originally talked about the tree purchase, planning, and maintenance for three years. That \$250.00 really only covered the purchase of the tree and its planting. I broke that into two parts where the \$250.00 is clearly identified as the cost to purchase the tree and have it planted and then a reasonable cost for maintenance.

Jeremy Pate: The way to avoid paying into this account is for preservation or mitigation. This particular option is last on the list, paying into the escrow account. We are trying not to incentivise someone into paying into the account because it cost the city more to buy, plant, and maintain the trees for three years than it would me. We feel the \$250.00 figure adequately represents the cost of purchasing and planting them and we will come back with a number to look at maintenance as well.

Don Marr reminded the Council that when this was originally adopted there were a couple of key concerns and discussed why the three year period of maintenance was originally implemented. He also explained how the planting and purchasing cost was reached.

Alderman Ferrell: Greg, the recommendation to have the option to come to the City Council, for the quarter of a mile, did that come from the Tree and Landscape Advisory Committee?

Greg Howe: The City Council recommended that distance. He listed the reasons why it was recommended.

Don Marr: Greg said it came from the City Council but it was the City Attorney's office in coordination with the Urban Forester that made that recommendation. Don explained how that decision was reached.

City Attorney Kit Williams: It did not come from an Alderman. Kit gave a brief explanation of this section of the ordinance. I made sure it was in the ordinance that the City Council review an item anytime it would be outside the city. The City Council would have to authorize anything outside the city.

Alderman Ferrell: I think it would be a real anomaly if and when it did come that it weren't okay.

Alderman Lewis moved to suspend the rules and go to the second reading. **Alderman Adams** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Petty** was absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams asked if someone would move to go to the newly replaced Exhibit "B" that was handed out.

Alderman Gray moved to amend the ordinance to the new Exhibit B as proposed by the City Attorney. **Alderman Lewis** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Petty** was absent.

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

Ordinance 5427 as Recorded in the office of the City Clerk

Sales and Use Tax Expiring Date: An ordinance providing for the levy of a one percent Sales and Use Tax within the City of Fayetteville, Arkansas; to replace the expiring one percent Sales and Use Tax; providing for an expiration date for such Sales and Use Tax of June 30, 2023 and prescribing other matters pertaining thereto.

City Attorney Kit Williams read the ordinance.

Paul Becker, Finance Director gave a brief description of the ordinance. He stated I recommend very strongly that we take this to the voters this year. He also gave a slide presentation and pointed out the key issues and the ramifications if this doesn't pass.

Mayor Jordan expressed the importance of the passage of this ordinance.

Alderman Ferrell: In the first rededication did it pass by 67% to 70%?

Mayor Jordan: It was a large amount.

Paul Becker: In 2003 it was about 67%. The citizens in Fayetteville are conscientious voters and they know what they want.

Alderman Ferrell: What we are doing is enabling the citizens and we are well served in the fact that we are cognoscente of the environment and what is going on with other revenue measures by other government entities. We've got to put it to the people.

Mayor Jordan reminded the Council it is not a tax increase but rather an extension of what we already have.

Alderman Gray moved to suspend the rules and go to the second reading. **Alderman Boudreaux** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Petty** was absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Lewis It is really important for people to realize that this is a continuation and rededication of funds to maintain our programs and services that are provided by people and we have to pay them.

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

Ordinance 5428 as Recorded in the office of the City Clerk

Special Election One Cent Sales and Use Tax: An ordinance calling a special election in the City of Fayetteville, Arkansas on the question of levying a one percent Sales and Use Tax within the City of Fayetteville, Arkansas to replace the one percent Sales and Use Tax expiring on June 30, 2013; providing for an expiration date for such Sales and Use Tax of June 30, 2023.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: This was handed out with a date of the 5th day of July. I would like for you all to make a motion to amend the first whereas clause to say the 2nd day of August.

Alderman Boudreaux moved to amend the date of the ordinance to August 2, 2011. Alderman Tennant seconded the motion. Upon roll call the motion passed

Alderman Boudreaux moved to suspend the rules and go to the second reading. Alderman Lewis seconded the motion. Upon roll call the motion passed 7-0. Alderman Petty was absent.

City Attorney Kit Williams read the ordinance.

Alderman Boudreaux: Is this in conjunction with any other elections?

City Attorney Kit Williams: None that have been called to date.

Alderman Boudreaux: Is there a reason why other things could not be added with it?

City Attorney Kit Williams listed the rules on when an election can be held. He explained if we pass it tonight there are only two days that would be available, so the time is running. If another entity wanted to have an election at the same time they would have to go rather quickly to get there.

Alderman Ferrell: You don't see me voting for taxes very often but this is a rededication. We are charged with fiduciary duties in running this city and this money is critical to keeping it going. We try to safeguard the city and we are charged with having the funds to keep us going.

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

City Attorney Kit Williams read the ordinance.

Alderman Lewis: Is this the exact language that will be on the ballot?

City Attorney Kit Williams: Yes, this is the form that was suggested by the Municipal League in concert with the Department of Finance and Administration.

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

Ordinance 5429 as Recorded in the office of the City Clerk

Special Election: A resolution to approve a budget adjustment in the amount of \$20,000.00 to pay for a special election to seek renewal of the City's one cent Sales and Use Tax used for operations and capital expenditures.

Paul Becker: Now that you have approved the special election it comes time to pay for it. This is asking for appropriation to pay the estimated cost which is \$20,000.00.

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

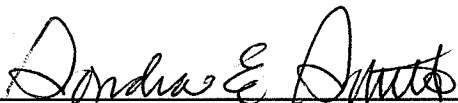
Resolution 136-11 as recorded in the office of the City Clerk.

Mayor Jordan thanked the Council for their support.

Meeting adjourned at 7:20 p.m.



Lioneld Jordan, Mayor



Sondra E. Smith, City Clerk/Treasurer