Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

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 7, 2009

A meeting of the Fayetteville City Council was held on July 7, 2009 at 6:00 PM 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:

John Coleman: I received an email from the Natural Resources Defense Council regarding a study they completed called the Smarter Cities Project. The City of Fayetteville was ranked number six in the small cities category. We ranked high in the areas of environmental planning. We also ranked really well in water quality and green space.

Presentations, Reports and Discussion Items:

Consent:

Approval of the June 9, 2009 Special City Council meeting minutes.

Approved

U.S. Marshal's Service: A resolution to approve a budget adjustment to recognize $25,000.00 in revenue from the U.S. Marshal's Service for police overtime costs.

Resolution 143-09 as Recorded in the office of the City Clerk.

State and Tribal Assistance Grant (STAG): A resolution authorizing the Mayor to apply for a State and Tribal Assistance Grant (STAG) in the amount of $286,400.00 from the U. S. Environmental Protection Agency for sanitary sewer system improvements; and designating the Mayor as the City of Fayetteville's authorized representative in all matters relating to the procurement and administration of said grant.

Resolution 144-09 as Recorded in the office of the City Clerk.

Drake Field Insurance Reimbursement: A resolution approving a budget adjustment recognizing the receipt of insurance reimbursement and establishing a project budget to track expenses related to the demolition, cleanup and contingency replacement of the hangar building at Drake Field that was destroyed by fire.

Resolution 145-09 as Recorded in the office of the City Clerk.

Ice Storm 2009 Disaster: A resolution approving budget adjustments totaling $377,291.00 to restore various operating budgets to funds and departments for cash expenses incurred in response to Ice Storm 2009 Disaster.

Resolution 146-09 as Recorded in the office of the City Clerk.

Garver Engineers, LLC Amendment No. 4: A resolution approving Amendment No. 4 to the contract with Garver Engineers, LLC to reduce the fee for construction phase services by $109,964.00 for Mount Comfort Road Improvements Contract 2, from Alpine Avenue to Rupple Road.

Resolution 147-09 as Recorded in the office of the City Clerk.

Arkansas Natural Resources Commission Grant: A resolution authorizing the Engineering Division to apply for a grant through the Arkansas Natural Resources Commission for the design and implementation of a stream bank restoration project along a section of the White River adjacent to the Fayetteville Executive Airport.

Resolution 148-09 as Recorded in the office of the City Clerk.

RFP # 09-07 Score American Soccer Company, Inc.: A resolution accepting a proposal in response to RFP # 09-07 and approving the purchase of youth soccer uniforms from Score American Soccer Company, Inc. in the amount of $27,097.00 for the Fall 2009 and Spring 2010 Season.

This item was removed from the Consent Agenda and placed in New Business.

Wedington Drive Right-of-Way: A resolution authorizing the donation of right-of-way along Wedington Drive containing .09 acres and being a part of parcel No. 765-13741-007, and authorizing the Mayor to execute deeds and all other necessary papers to transfer ownership of the property to the Arkansas State Highway Commission.

Resolution 149-09 as Recorded in the office of the City Clerk.

Alderman Cook moved to approve the Consent Agenda as read with Item # 8 - RFP # 09-07 Score American Soccer Company, Inc removed from the Consent Agenda for discussion. Alderman Petty seconded the motion. Upon roll call the motion passed unanimously.

Unfinished Business:

RZN 09-3271 (Sale Barn/Campus Crest LLC, 562): An ordinance rezoning that property described in rezoning petition RZN 09-3271, for approximately 8.87 acres, located at the old Washington County Sale Barn, north and east of 11th Avenue and Government Avenue from I-1, Heavy Commercial/Light Industrial, to DG, Downtown General. *This ordinance was left on the First Reading at the June 16, 2009 City Council meeting.*

Alderman Gray 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.

Jeremy Pate, Development Services Department Director: I do not have any additional information tonight.

Mayor Jordan: I want to remind you that we are discussing the rezoning. You can discuss the density of the rezoning but not any particular project.

Leonard McCandless, President of the Board of Directors of the Ozark Military Museum: Our membership voted unanimously to oppose changing the sale barn property. They think it could be better used as an addition to the national cemetery.

Sam Sansom, president of the Fayetteville Chapter of the Military Officers Association of America. We request that the rezoning not go through.

Steve Drazsnzak: I am not a veteran but I have the deepest respect and honor for those who are veterans. I oppose the rezoning of this property.

Ves Lawbaugh, State Commander Military Order of the Purple Heart: We strongly oppose the rezoning of the property.

Lige Pointer, Fayetteville: I am very strongly opposed to the rezoning.

Jim Buckner, Senior Vice Commander of Military Order of the Purple Heart: The worst possible neighbor to a National Cemetery would be university students. I urge you to not approve the rezoning.

Sue Madison: Ms. Madison gave a brief history of the property. She voiced her concerns about the building height in the proposed zoning.

The City made the zoning fit the use that was there. There has been some talk that the zoning that you are considering would be a down zoning. I want you to consider that it really is not a down zoning because the City has been accommodating to the Bartholomew's with this particular piece of property. I ask that you consider the many accommodations that the City has made for this property and try to respect the neighborhood and find a zoning use that would be more appropriate.

Harold J. Perry stated that he has been a resident for over forty years. He spoke about the growth in Fayetteville. He would like to see the cemetery purchase this property.

Marian Kunetka, South College Avenue: I think if the zoning was allowed to be changed it would wreck that neighborhood. Please consider them in your decision.

Allen Young: I would ask that the proposed rezoning be reconsidered for an appropriate zoning that fits the National Cemetery and the residential in that area.

Johnny Walker stated my concern is learning from our mistakes over the past years. He voiced his concerns about the vacancy rates. He stated with this rezoning we are going to be adding to that problem.

Kathy Kisida: I feel that now that the sale barn is closed the zoning is inappropriate. I also feel that Downtown General is inappropriate because neither one fits a small single family neighborhood. I looked at the land use maps for 2025 and it looks like to me that our neighborhood is to be a neighborhood. I assume that means single family homes. The proposed project doesn't fit with the National Cemetery. I believe it is our responsibility as a community to ensure that the cemetery is protected. I do not feel this would be a down zoning. Please look at our neighborhood and see if there are other options to accommodate all of us.

Alderman Petty: You said you thought a mixed use development with businesses and condos would be appropriate?

Kathy Kisida: I don't think that would be so bad if it was not 24 units per acre. Is there some other kind of zoning that fits that model?

Alderman Petty: No. Downtown General is specifically what that was created for. Those kinds of uses are not allowed in other zonings.

Kathy Kisida: Maybe I am not for that then, if it means that, I would be against the Downtown General.

Jack Wright: I moved here about ten years ago. I was pleasantly surprised to see that this town has an asset. That asset is the National Cemetery for veterans. That place is going to have to have a place to expand. I urge you to not make changes in the zoning that would prevent that from happening.

Sam, a veteran asked the Council to give the veterans a chance to raise the money for this property. He stated we need the space.

Robert Williams: I am a strong supporter of a person's property rights. I am for rezoning it for a cemetery only.

Justin Eichmann, attorney on behalf of Billy Joe Bartholomew addressed a few of the points that were made. He discussed the history of the sale barn. Mr. Eichmann explained the process that Mr. Bartholomew has gone through to try to sell the property.

I implore the Council to stay on the issues of the rezoning. This has been a process that has been going on for a number of years and over those years there has never been an offer to Mr. Bartholomew. Mr. Bartholomew's wealth is in that property. There are other properties for sale adjacent to the cemetery.

Alderman Gray: During the contacts the veterans made with Mr. Bartholomew did he let them know that he would be agreeable to selling the property?

Justin Eichmann: I think it was a long term process of talking about it. I think it was something that was talked about. Now that we are going through the rezoning process this has come up again and everyone wants him to wait two years and he can not wait two years. We are caught in the middle. We do not want this to be adversarial in any way.

Michele Raine: The last time we met we shared our concerns about how any development that would add four story apartment buildings to our neighborhood would impact the quality of life for us. Our neighborhood has single family homes some duplexes and one apartment but nothing over one story. Our neighborhood has not had time to absorb the changes that have occurred in our neighborhood. The zoning does not match what has been built in our neighborhood. I believe it would be more effective to have the zoning reflect what the neighborhood already is. The neighborhood has existed like this for nearly fifty years. I ask you to deny this zoning request.

Cynthia Christy Levin described how the neighborhood looked in the past.

We did not choose to live near high density dwellings. There were no apartment buildings. It was purely residential, owner occupied area. I don't think this is the best or most appropriate use for this property. I am asking that we hold off and find the best use for this property. This is not the project for this location.

Leonard Scholtee, 1235 Southwest: This proposed project is incompatible with the neighborhood.

Roseanna Fault stated we would like to see the cemetery extended. She voiced her concerns about living in a college complex.

Tina Chamberlain stated the veterans in the cemetery deserve to rest in peace.

Dustin Bartholomew: Is that area of town part of the 2025 Plan?

Mayor Jordan: Yes.

Dustin Bartholomew: Is that area according to the 2025 plan a place for density?

Jeremy Pate: That area in our 2025 Plan is designated as a City Neighborhood area which includes nonresidential uses. It is still primarily residential. Our definition of a neighborhood does not just include single family. It includes the services that also support those single family and multi family residents. A singular single family neighborhood would provide a bedroom community which is what we are not trying to provide. We are trying to provide a community that has services that are hopefully within walking distance.

Aubrey Shepherd told the Council what they were trying to do for the veterans to purchase the land. He stated zoning this Downtown General is inappropriate for the neighborhood and that this should not be zoned as proposed.

Bob Estes representing Campus Crest introduced the individuals that will be speaking on the proposed zoning.

Chris Rust, Campus Crest went over the facts with the zoning application. He discussed the uses that could occur on the property at the current zoning. He stated this is a down zoning. The proper consideration for this request is the compatibility with the surrounding zoning and the permitted uses of the adjacent area. He discussed the guiding principles when looking at this zoning process. He stated City staff finds that the City's adopted policies and objectives of the City Plan 2025 support a Downtown General zoning district on this property and your Planning Commission approved the zoning request 6-1. He also discussed the existing zoning and said they are just expanding on what is already there.

Matthew Petty asked what the vacancy rates are.

Chris Rust, stated they looked at the vacancy rates and they would not be here spending this time and money if we did not know there was an absolute need for what we can provide.

Dan Norman, Campus Crest: We do expensive market studies. We canvas competitors and the neighbors.

Matthew Petty: Would you be willing to publish a summary of your analysis?

Dan Norman: We can do that.

Sarah Lewis: Do you have a competitor that is already in Fayetteville?

Dan Norman: Yes.

Greg Simmons, Peters and Associates Engineers, Traffic Consultants: We did a comprehensive traffic study. He stated the projected volumes do not indicate that traffic signals will be warranted.

Dan Norman stated we have been working with Mr. Bartholomew for three years. He described their projects. We are a partnership. We have our own operating company. We would be more than willing to put a buffer between the property and the cemetery.

Alderman Rhoads: Besides the buffer zone is there anything else that you have talked to the neighborhood about?

Dan Norman: Besides the buffer we have pointed out that there is other land available that they could purchase. We are open to ideas.

Alderman Lewis: Do you have non students that live in your properties?

Dan Norman: No.

Alderman Lewis: If someone is not a student and wants to live in your properties how does that work?

Dan Norman: It is pretty expensive. It is affordable for students. We want them to be students.

Alderman Lucas asked for Mr. Norman to explain how they rent their properties?

Dan Norman: We help match roommates. About 67% of our cliental are female.

Alderman Petty: I think females are less likely to party hard and loud. What aspects of your model are in place to check intrusive behavior?

Dan Norman: Part of it is our community assistance, the folks that actually work for us and live in the community. We have staff on call 24 hours a day.

Alderman Ferrell: How many similar properties do you?

Dan Norman: We have 19 operating now and five finishing construction. We hope to start about 10 more this fall.

Alderman Ferrell: Is everything going pretty smooth with the other ones?

Dan Norman: Yes. We have had our challenges but we have also had some cleanup efforts and partnerships with universities and our neighbors.

Alderman Lewis: The Planning Commission addressed the RMF-24 zoning. Why did it get changed to Downtown General?

Jeremy Pate: The original request was for RMF-24. Staff expressed concerns about the zoning district because it is only a single use zoning district. In addition the development pattern generally associated with our RMF-24 single use zoning district is not necessarily one that is desirable. We felt the Downtown General zoning district development pattern along with the multiple uses that can occur on a property is something that is much more desirable. In addition we looked at the surrounding land and felt RMF-24 was not necessarily appropriate in this case. We felt this was more appropriate.

Alderman Lewis: Do we have a zoning in between Downtown General and Neighborhood Conservation?

Jeremy Pate: There is not. Jeremy explained the zoning districts that were created in the Downtown Master Plan.

Alderman Lucas: I thought offices and other things could be put in Neighborhood Conservation.

Jeremy Pate: Perhaps by a conditional use permit.

Alderman Lucas: How high can they be in Downtown General?

Jeremy Pate: Four stories or 56 feet whichever is less.

Alderman Lucas: What is the general density of Downtown General?

Jeremy Pate: There is not a maximum density limitation listed in the zoning. We did that purposely. I would say most of it, that is existing, does not approach 24 units per acre.

Alderman Thiel: How does Residential Office compare with these?

Jeremy Pate: It is sort of a mixed use zone. It is used primarily for office use. Jeremy explained the Residential Office zoning.

A discussion followed on the Residential Office zoning.

Alderman Petty: I would like to leave this on this reading. It has come forward that there are additional purchase options for the veterans that can be pursued. This is on the border of the neighborhood and we need to take steps to protect that neighborhood core but at the same time we need to make sure we develop those thoroughfares and the areas that are next to those industrial and commercial areas so that we can support things that we want in the future. The

issue for me is how to transition from those streets and those busy intersections and the commercial properties into that neighborhood and cemetery. That has to be a gradual change.

Alderman Thiel: My concern is that historically we have always tried to have a buffer of zoning between commercial and a neighborhood or a cemetery. My concern is that Downtown General is not a buffer.

Alderman Gray: I feel strongly that we should go ahead with this zoning. I like the buffer. The Bartholomew's have been there 73 years we may have been good to them but they have been good to us as well. I respect the veterans and want them to have what they need for their cemetery. I am delighted that there is more property that they can buy. I am not sure the veterans will get any earmarks for this cemetery.

Alderman Petty: I don't think young people are the worst thing that could happen here.

Alderman Lucas: This is a rezoning. I respect Mr. Bartholomew and what he has done but I also respect that neighborhood. The things that concern me about this rezoning are the traffic and it is not on the main thoroughfare. It does not seem that Downtown General is compatible with this neighborhood. I want us to look at this as a rezoning. We have to be careful here.

Alderman Thiel: I sympathize with the owner and the developer and all these people.

City Attorney Kit Williams: The Mayor was correct when he said no one was to talk about the project they could only talk about zoning. You can not consider the applicants comments about his project and concessions unless he offers a Bill of Assurance. They have not offered a Bill of Assurance. You should not make the decision on who you want to own the property. That is not for us to decide. The issue is only the zoning. You can consider what the best use for the property is and if it is compatible with the neighborhood. We can not request a Bill of Assurance. It must be voluntarily offered.

Mayor Jordan: I think we need to wait a couple of weeks.

Alderman Lewis: This is about a rezoning. It does not matter who is offering to purchase the property. What we have to focus on is if that zoning is compatible with the surrounding land use. I think it is really important to not get our vision blurred by who is presenting different stories. I respect the people that have come here and spoke.

This ordinance was left on the Second Reading.

Box Avenue Appeal: An ordinance rezoning that property described in rezoning petition RZN 09-3280, for approximately 1.20 acres, located at the northwest corner of Mission Boulevard and Box Avenue from R-O, Residential Office, to C-1, Neighborhood Commercial. *This ordinance was left on the First Reading at the June 16, 2009 City Council meeting.*

Jeremy Pate: The applicant has requested this item be tabled indefinitely without discussion.

Alderman Cook moved to table the ordinance indefinitely. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Thiel was absent during the vote.

This item was tabled indefinitely.

New Business:

Light Rail Transit System: A resolution to support an alternatives analysis study to determine the feasibility of a light rail transit system in Northwest Arkansas.

Karen Minkel, Director of Strategic Planning and Internal Consulting gave a brief description of the resolution along with a description of the proposed study. She stated the Strategic Planning Staff is recommending approval of the resolution.

Alderman Thiel: Are we asking the NWA Regional Planning Commission to fund this and if so are they going to ask us to help fund this too?

Mayor Jordan: I am on that committee and I can ask them to fund it.

Alderman Thiel: By us advocating this are we putting ourselves in a position of being needed to help fund this study ourselves?

Karen Minkel: The local area has to provide a 20% match but that can be provided by the local municipalities or the State Department of Transportation or as a part of a State Legislative Act. There are multiple ways to fund it.

Don Marr, Chief of Staff stated we contacted the City of Dallas and asked when they began their discussions on light rail. The feedback we got was when their Metropolitan Service Area reached half a million which we have the opportunity to hit through this Census period. That is why we feel it is appropriate to begin the discussion today. He listed other reasons for requesting the analysis.

Alderman Lewis: The NWA Regional Planning Commission has applied for the same analysis three times. I think we should apply again but I also hope that we are going to be doing other things besides leading the same horse. I really am excited that Karen and Robert have worked on this.

Alderman Ferrell: It's never too soon to make the application because Dr. Goforth stated in a presentation that 25 years is the norm on a deal like this.

Alderman Cook: This is a very long and expensive process but we would be crazy not to do it.

Alderman Rhoads: There are some things that you can't do quick enough and this is one of them.

Mayor Jordan: This will be the wave of the future because in the near future we are going to see $5.00 per gallon gas and then we will be glad for public transportation. This is not only important for the City but the region. I appreciate everyone's efforts on this because it is so vital and important to this city and region as a whole.

Alderman Lewis: I know there are other efforts to find more funding. This isn't the end of the story.

Mayor Jordan: Just stay after it.

Bob Estes, resident of 668 N. Mulligan encouraged the Council to vote for the resolution. He stated this is the first step and this needs to be done.

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

Resolution 150-09 as Recorded in the office of the City Clerk.

ADM 09-3307 (Sustainable Yards): An ordinance to amend § 95.01 Unsightly or Unsanitary Conditions on Real Property; Order and Notice To Correct of the Fayetteville Code to encourage properly maintained and managed naturalistic landscapes.

City Attorney Kit Williams read the ordinance.

Karen Minkel gave a brief description of the ordinance. She stated this ordinance encourages cultivating of the sustainable yard and naturalistic landscapes. The Ordinance Review Committee voted for the ordinance 3-0.

Alderman Ferrell: Did you put something in there to allow for a Mayor's designee?

City Attorney Kit Williams: I think that goes without saying that the Mayor works through his various officials.

Alderman Petty thanked Karen Minkel for bringing this forward.

Alderman Thiel: This does have to show maintenance but otherwise that is going to be crux with making this work. I am glad this has finally moved forward.

Alderman Thiel 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 Lewis: The true spirit of being sustainable is that you are using eco system services and then you save money. It benefits not only your wallet but also the eco system.

Alderman Petty moved to suspend the rules and go to the third and final reading. Alderman Gray 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 5250 as Recorded in the office of the City Clerk.

National Cemetery Neighborhood Area Study: A resolution to request that City Planning study the National Cemetery Neighborhood Area of South Fayetteville to propose a Master Plan.

Alderman Lewis: City Council Member Thiel and I brought this forward and I would like to propose an amendment. I would like to propose that it be restated as "a resolution to request that the City Planning consider the National Cemetery neighborhood area of south Fayetteville as a candidate for master planning." The reason is to give City staff a chance to consider funding and also consider other areas of town.

Alderman Petty: If this is just a friendly amendment do we have to vote on it?

City Attorney Kit Williams: I think it would be better to go ahead and vote on it.

Alderman Ferrell: Since this is amended to be considered, this is something that would be considered after the disposition of the cemetery agenda item that we are dealing with right now is that correct?

City Attorney Kit Williams: You can consider it anytime but if you have just rezoned a piece of property then that would be a statement of the City Council as to what they want to do. There is no time delay on it.

Alderman Ferrell: Does staff think a decision will be made on this before the next meeting?

Don Marr: No sir.

Alderman Lewis moved to amend the resolution to state *a resolution to request that the City Planning consider the National Cemetery neighborhood area of south Fayetteville as a candidate for master planning.* Alderman Thiel seconded the motion. Upon roll call the motion passed unanimously.

Alderman Lewis: The intent of this came up as a result of the discussions about the rezoning of that property and it became evident that the entire area needs to be considered for long term planning.

Alderman Thiel: I certainly support this and I would encourage staff to consider this as an early priority.

Mayor Jordan: If we pass this tonight will it have any affect on the previous rezoning on the sale barn?

City Attorney Kit Williams: I don't think it has any legal affect.

Mayor Jordan: So this is what we would call a broad brush and then this other thing would be whether we want to use it in the study or change the rezoning. Is that a fair statement?

City Attorney Kit Williams: Yes, this is simply a request for Planning to look at this area.

Don Marr: It is about a nine month process to do it from the time that you start. In 2010 we are looking at updating the 2025 Plan, the Master Street Plan and the Land Use Plan for the City. Our first budgeted new neighborhood study area was not scheduled until the 2012 budget cycle. I don't want citizens who may be in this area who know there is a very active rezoning taking place today to think it will happen in the next 90 days.

Alderman Lucas: I look at this as asking the Council to set this as a priority. This came to light with the Hill Street development that it was all zoned wrong.

Don Marr: Staff would comprehend your setting of this priority. To my knowledge it would be the only area where we have a resolution directing us to work at it.

Alderman Petty asked what are the other areas that are being considered for the 2012 process?

Karen Minkel: No other areas are under consideration until we do the City Plan 2025 update which would inform that decision as well.

Bob Estes representing Campus Crest stated the proposed resolution is not appropriate. He stated two neighborhood studies have been done in Ward 1 recently. The Planning staff has the next neighborhood study scheduled for the year 2012. The Planning Department has specific criteria to determine the appropriateness of a neighborhood study. What you are doing by this resolution is directing their attention to one specific ward. He suggested other areas of the City that should be studied first.

Alderman Thiel: I thought you just said there is not a neighborhood study target for 2012.

Don Marr stated the City wide study is targeted for the end of 2010 and 2011. Our next budgeted staff time and dollars amount in publications for charettes are scheduled out for 2012 for the Strategic Planning Division. We have not identified locations.

Alderman Lucas: I have talked about Ward 4 and the annexation and I thought this would be an excellent opportunity to plan it out. You have a lot of people that are concerned about their farms and I don't know how that would work. The reason I am in support of this for this area is

because it is an older section that is definitely zoned wrong. I think we need to address it as soon as we can.

Melva Smith, a citizen stated I don't think it is reflective of how the people identify their community.

Kathy Kisida, a citizen spoke in favor of the resolution and stated this is a pressing issue. Please help our neighborhood.

A citizen spoke in favor of the resolution. She stated I see this as an opportunity for the City to address an oversight in not including our area in the two charettes that have already taken place. I hope this can go forward.

Cynthia Christie Levin, a citizen stated I would like you to please do this as soon as possible. She went on to speak in favor of the resolution.

Aubrey Shepherd, a citizen stated I would like to see it changed to residential one house per acre. He stated I support the Council moving forward with discussion of this.

Alderman Lewis: I would like to amend the resolution to say Town Branch Neighborhood.

Alderman Lewis moved to amend the resolution to change the name of the study to Town Branch Neighborhood. Alderman Thiel seconded the motion.

Alderman Gray: It sounds like to me that we already have in place a process for deciding where the next master plan will be and so it seems to me that this is a bit redundant.

Alderman Thiel: I have been advocating that this be studied for quite some time and feel like this is a way to get it prioritized. A portion of Fayette Junction was and is in Ward 4. This is just saying that this should be a priority next time.

Aubrey Shepherd: The Town Branch Neighborhood includes the National Cemetery and I think both should be in the name in this resolution.

Alderman Lewis confirmed with the City Attorney that the name can be adjusted later.

Upon roll call the motion passed unanimously.

Alderman Petty: I agree with almost everything that has been said but at the same time I feel that this resolution is not going to do any good. I am not sure that we need to vote on a resolution to ask staff to consider something. I don't want to assign that priority until we have seen that 2025 Plan revisited and updated and we have a catalog of all the problem areas.

Alderman Ferrell: Aubrey spoke about going to RA-1 house per acre and that wouldn't work. I don't think that is a very good idea.

Mayor Jordan asked shall the resolution pass. Upon roll call the resolution passed 5-4. Alderman Lucas, Lewis, Thiel and Cook voting yes. Alderman Petty, Rhoads, Ferrell and Gray voting no. Mayor Jordan voted yes to pass the resolution.

Resolution 151-09 as Recorded in the office of the City Clerk.

Amend § 111.30 Retail: An ordinance to amend § 111.30 Retail of the Code of Fayetteville to comply with new State law.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams stated this is one of several proposed amendments that I will bring to you concerning our alcohol regulations which are in Chapter 111. He gave a brief description of the changes.

Alderman Ferrell: When did that state law become effective?

City Attorney Kit Williams: Actually I think it had an emergency clause so it was effective a couple of months ago.

Alderman Petty 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 and final reading. Alderman Petty 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 5251 as Recorded in the office of the City Clerk.

The following item was removed from the Consent Agenda and placed under New Business:

RFP # 09-07 Score American Soccer Company, Inc.: A resolution accepting a proposal in response to RFP # 09-07 and approving the purchase of youth soccer uniforms from Score American Soccer Company, Inc. in the amount of $27,097.00 for the Fall 2009 and Spring 2010 Season.

Alderman Petty: On a local blog there was a question about where the funding for the uniforms was coming from.

Connie Edmonston: Due to the fact that we have over 1,600 kids that play in the fall and spring that's a lot of uniforms. We receive sponsorships in which companies have their names put on the uniforms. We receive anywhere from $10,000 to $12,000. The cost of the sponsorship is $250. The uniforms are covered within the registration fee from each of the players. Registration ranges from $60 to $90 depending on if they are going to play fall and spring and what age group they are.

Alderman Petty: So your procedure then is to buy the uniforms and then you pursue sponsorships in an ongoing manner year after year.

Connie Edmonston: Yes, we certainly do.

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

Resolution 152-09 as Recorded in the office of the City Clerk.

Agenda Additions: None

The meeting adjourned at 9:15 PM

Lioneld Jordan, Mayor **Sondra E. Smith, City Clerk/Treasurer**