

**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

Mayor Lioneld Jordan  
City Attorney Kit Williams  
City Clerk Sondra Smith



**City of Fayetteville Arkansas  
City Council Meeting Minutes  
July 21, 2009**

A meeting of the Fayetteville City Council was held on July 21, 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, Rhoads, Ferrell, Lucas, 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**

**Presentations, Reports and Discussion Items:**

The Ambulance Authority July Report was presented to the Council. A copy of the presentation is included in the agenda for this meeting.

**Consent:**

Approval of the June 16, 2009 City Council meeting minutes.

***Approved***

**Arkansas Emergency Telephone Services Board Training Expenses:** A resolution approving a budget adjustment recognizing the receipt of training reimbursements in an amount not to exceed \$10,000.00 as they are received from the Arkansas Emergency Telephone Services Board for dispatcher training expenses.

***Resolution 153-09 as Recorded in the office of the City Clerk.***

**Mutual Aid Agreement:** A resolution approving a Mutual Aid Police Protection Agreement between the City of Fayetteville, Arkansas and the City of Springdale, Arkansas.

***Resolution 154-09 as Recorded in the office of the City Clerk.***

**Animal Services Miscellaneous Donations:** A resolution approving budget adjustments totaling \$26,000.00 from Animal Services Miscellaneous Donations to meet increased supply and operational costs at the Fayetteville Animal Shelter.

***Resolution 155-09 as Recorded in the office of the City Clerk.***

**McClelland Consulting Engineers Amendment No. 1:** A resolution approving Amendment No. 1 to the contract with McClelland Consulting Engineers in the amount of \$74,993.08 for construction phase services for the Township Street 36-inch Water Main Project; and approving a project contingency in the amount of \$15,000.00.

***Resolution 156-09 as Recorded in the office of the City Clerk.***

**Seven Valleys Construction Company, Inc.:** A resolution approving a contract with Seven Valleys Construction Company, Inc. in the amount of \$1,757,232.00 for the construction of a 36-inch water main along Township Street to include approximately 4,462 feet of 36-inch ductile iron water main; and approving a project contingency in the amount of \$90,000.00.

***Resolution 157-09 as Recorded in the office of the City Clerk.***

**Wastewater Collection and Treatment Services Amendment:** A resolution approving an amendment to the Wastewater Collection and Treatment Services Contract with the City of Farmington, Arkansas.

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

**Natural Resources Conservation Service (NRCS):** A resolution authorizing the Engineering Division to apply for and accept a grant through the Natural Resources Conservation Service (NRCS) in an amount not to exceed \$27,000.00 for debris removal from streams with flooding potential due to the January 2009 ice storm; and authorizing the Mayor to execute a project agreement with the NRCS and all other documents necessary to carry out the project.

***Resolution 158-09 as Recorded in the office of the City Clerk.***

**ADM 09-3333 (612 N. College Avenue ROW Variance):** A resolution approving a variance of the Unified Development Code Section 164.12 (F) Nonconforming Uses and Structures, Repairs and Maintenance, and Section 166.18 Master Street Plan Setbacks, allowing the existing structure located at 612 N. College Avenue to remain within the Master Street Plan right-of-way

and to be improved greater than the 10% replacement cost allowed by code, within the existing limits of the structure.

***Resolution 159-09 as Recorded in the office of the City Clerk.***

**Arkansas Level II Trauma Center:** A resolution to support the selection of Washington Regional Medical Center as an Arkansas Level II Trauma Center.

***Resolution 160-09 as Recorded in the office of the City Clerk.***

**U.S. Marshal Service Reimbursement for Computer Equipment:** A resolution approving a budget adjustment for the Fayetteville Police Department in an amount not to exceed \$35,000.00 to recognize reimbursement from the U.S. Marshal Service for the purchase of computer equipment to support the U.S. Marshal's Western District Task Forces.

***Resolution 161-09 as Recorded in the office of the City Clerk.***

**Alderman Thiel moved to remove Item #7 Wastewater Collection and Treatment Services Amendment from the Consent Agenda for discussion. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Petty was absent.**

**Aldermen Lucas moved to approve the Consent Agenda as read with Item #7 Wastewater Collection and Treatment Services Amendment removed from Consent for discussion. Alderman Lewis seconded the motion. Upon roll call the motion passed 7-0. Alderman Petty was absent.**

**The following item was removed from the Consent agenda for discussion.**

**Wastewater Collection and Treatment Services Amendment:** A resolution approving an amendment to the Wastewater Collection and Treatment Services Contract with the City of Farmington, Arkansas.

**David Jurgens, Utilities Director:** The City of Farmington made changes to the contract. A revised contract was given to the Council to review.

**Alderman Cook:** It is different than what we saw at the Water and Sewer meeting?

**David Jurgens:** It actually includes a couple paragraphs that they added in yesterday.

**Alderman Cook moved to table the resolution to the August 4, 2009 City Council meeting. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Petty was absent.**

**This resolution was tabled to the August 4, 2009 City Council meeting**

**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 11<sup>th</sup> 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. This ordinance was left on the Second Reading at the July 7, 2009 City Council meeting.*

**Kit Williams:** I understand the applicant has asked that this be tabled.

**Jeremy Pate,** Development Services Director. We were just going to leave it on the third and final reading tonight and wait until the next meeting to address and additional comments.

**Alderman Gray** moved to suspend the rules and go to the third and final reading. **Alderman Cook** 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 it appropriate to table it to a certain date so that we have a full Council?

**Mayor Jordan:** It should be in two weeks.

**Kit Williams:** Normally it is tabled to the next regular meeting unless otherwise stated.

**Robert Rhoads:** Isn't that what they requested?

**Bob Estes,** representative for Campus Crest stated the request is to postpone until the next regularly scheduled meeting and hold on the third reading.

**Alderman Lucas:** It's Campus Crest that's requesting this? They don't own the property yet do they?

**Kit Williams:** They don't actually have to own the property according to our Unified Development Code either the property owner or someone that has an interest in it can apply for the rezoning.

**Justin Eichmann:** I represent Billy Joe Bartholomew and he concurs with the request to table.

**Alderman Thiel:** Is the motion just to table it for two weeks rather than a specified date?

**Mayor Jordan:** Yes.

**Alderman Thiel:** I would like to make sure that everyone on the Council is here. I would like to amend the motion to August 18th when Shirley will be back.

**Alderman Cook** moved to table the ordinance to the August 18, 2009 City Council meeting. **Alderman Lewis** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Petty** was absent.

**This ordinance was tabled to the August 18, 2009 City Council meeting.**

**New Business:**

**Street Name Change:** A resolution changing the names of sections of West Salem Road and West Weir Road.

**John Goddard**, GIS Coordinator gave a brief explanation of the resolution.

**Alderman Lucas:** This came about because there's development in that area and like country roads they don't always meet up.

**Alderman Lewis:** For clarification purposes there have been concerns and comments brought to both Shirley and me about the Howard Nickel curve area and the extension of Ruppel. They are afraid that this renaming will force that section to be widened.

**John Goddard** stated this only addresses the street name problem.

**Alderman Cook:** At some point in the future the issues we have with the street names are we going to change or clean up?

**John Goddard:** Yes we try to tackle them as they come. At this point there are only two addresses affected.

**Royce Slaughter**, Salem Hills Addition POA Association spoke in opposition of the resolution. He stated they are concerned about the safety of the neighborhood, the children, and grandchildren.

**Susan Slaughter**, Salem Hills Estate questioned if a road can be renamed if it is not in the city limits?

**Kit Williams:** I assume we have the power to do that or else our GIS people wouldn't do it.

**Mayor Jordan:** We have gone through this before when we have brought territory into the City.

**John Goddard:** Most of the road that we are renaming falls within the city. There is a section of it that does not. We notified the County that we were intending to rename that section of road.

**Kit Williams:** I think the County wouldn't have any objection because it's a logical thing for us to do. We need to get with them to try to resolve this entire area whether it's in the City or not.

**Greg Tabor**, Chief of Police stated that the Police Department is in favor of the resolution. He stated quick response times are very important and it makes it confusing for this to have the same names.

**Ed Stevens** expressed his concerns about the road and it going through their subdivision.

**Michael Mauldin** expressed his concerns about the road and the safety issue and that the Master Street Plan needed to be addressed.

**Alderman Lucas:** I understand the neighbors concerns about when the Master Street Plan was changed or developed that the major road came through Howard Nickel. I know at one point there was a development that came through and there was talk of changing that Master Street Plan to another road and from what I can tell that development did not come through. Even though the Street Committee voted for the change it was ever brought to the Council. Am I correct in that?

**Mayor Jordan:** That's correct. I was the chair of the Street Committee.

**Alderman Lucas:** That's an issue we need to address but that is a separate issue. I am a big safety person and I think it's important that we correct this now.

**Alderman Lewis** stated she respects the comments of the neighbors and she would be afraid of a four lane highway going through there too.

**Alderman Lucas** moved to approve the resolution. **Alderman Thiel** seconded the motion. Upon roll call the resolution passed 7-0. **Alderman Petty** was absent.

*Resolution 162-09 as Recorded in the office of the City Clerk.*

**Amend Chapter 163 Use Conditions:** An ordinance to amend §163.15 Transit System Shelters of the Unified Development Code to allow transit shelters located within the Master Street Plan right-of-way and building setback lines.

*City Attorney Kit Williams read the ordinance.*

**Jeremy Pate** gave a brief summary of the ordinance.

**Mayor Jordan** stated this is something I worked with staff on. I support this.

**Alderman Lewis:** I think it's a good move towards getting improved public transit.

**Alderman Gray:** I have had calls from constituents asking why we do not have any shelters. I know they will be happy to see this.

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

*City Attorney Kit Williams read the ordinance.*

**Alderman Cook 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.*

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

*Ordinance 5252 as Recorded in the office of the City Clerk.*

**Amend Chapter 111 Alcoholic Beverages:** An ordinance to amend §111.30 Retail of Chapter 111 Alcoholic Beverages of the Fayetteville Code to enact a new subsection (H) Restaurant Beer and Wine Permit.

*City Attorney Kit Williams read the ordinance.*

**Kit Williams:** I brought this forward at the request of the Police Department who analyzed Act 294 and suggested we do this because this is a brand new permit. I also understand from Accounting that they have checked with the State and we are ahead of the Alcoholic Beverage Control Commission. They have not had a hearing on this yet. There is no State permit that can be obtained until they have hearings and decide what they want to do. They have to have the State permit before they have our permit.

**Alderman Ferrell:** It says this fee begins July 1, 2010. Will the time lapse between now and then make any difference or is that when the new fee is going to be imposed?

**Kit Williams:** Act 294 had a provision near the end that said all the new permit fees would not take effect until July 1, 2010. This is a brand new permit. They raised a lot of other permit fees for existing permits so the July 1, 2010 date was to give people the chance to earn the money because some of the fees went up dramatically.

**Alderman Ferrell:** Do you see any downside to us going ahead and being ahead of the curve?

**Kit Williams:** No, I don't since our ordinance says you have to have the State permit.

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

*City Attorney Kit Williams read the ordinance.*

Alderman Ferrell moved to suspend the rules and go to the third and final reading. Alderman Cook 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 7-0. Alderman Petty was absent.

*Ordinance 5253 as Recorded in the office of the City Clerk.*

**RZN 09-3317 (Whitfield):** An ordinance rezoning that property described in rezoning petition RZN 09-3317, for approximately 9.91 acres, located on the west side of Crossover Road, approximately 0.50 mile north of Highway 16E, from RSF-4, Residential Single Family Four Units/Acre, to MSC, Main Street Center.

*City Attorney Kit Williams read the ordinance.*

Jeremy Pate gave a brief description of the rezoning. He stated staff and the Planning Commission recommended in favor of this item.

Hugh Jarrett with Lindsey Company stated our only involvement is we are the real estate agent. We don't have any ownership or potential interest here but we represent the applicant.

Kit Williams thanked Hugh Jarrett and Mr. Lindsey for their work on the water tower issue.

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

*City Attorney Kit Williams read the ordinance.*

Alderman Rhoads 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 Cook:** There was a citizen at the Planning Commission that had some comments about moving potential commercial development. Moving north from Huntsville Road, Main Street, is that a vision looking forward on the 2025 Plan? Is that something that we as a City envision moving north from that intersection? I guess staff and Planning Commission feel that Main Street Center is an appropriate zoning along Crossover between those two nodes?

**Jeremy Pate:** I believe so. In times past with previous policies we've always been worried about strip commercial zoning and we still are. With Main Street Center, with the mixture of uses that those form based zoning codes have, the intent is to provide a zoning district where by one could easily get to commercial services.

**Alderman Cook:** Is it fair to say that Downtown General is more of a residential zoning and this crosses the line to more of a commercial zoning?

**Jeremy Pate:** It is, if you compare the uses of Downtown General and even the narrative at the front of each one of those zoning districts. Downtown General states it's primarily residential. It allows a mixture of offices and some small retail. It's doesn't get to the level of commercial uses that will drive additional traffic and vehicle trips. Main Street Center however is still compact spaciouly but it does increase that level of use. We envision two, three, and four story buildings in Main Street Center as a general rule of thumb with apartment, loft, or condominium living above shops.

**Alderman Cook:** We just enacted an Access Management Policy for parts of Crossover. Will that be in affect on this part of Crossover?

**Jeremy Pate:** Certainly, the Access Management Policy that came through the City Planning process, but not the Crossover to the north where the median is going to be located, that's a different access management policy.

**Alderman Ferrell:** Right across the street at the corner of Highway 16 and Crossover there's a shopping center where the Rolling Pin is and then right next to that there is a home or property for sell south of the intersection. Is that commercially zoned?

**Jeremy Pate:** Around that intersection is commercial zoning but it very quickly becomes residential.

**Alderman Ferrell:** It would be the first residence west of that shopping center on the south side of the road.

**Kit Williams:** There is a color map on page 18 that shows the zoning in that area including that intersection.

**Jeremy Pate:** A little to the west of Crossover is zoned C-2 but then it immediately turns to RSF-4 between Jerry Avenue and that property. I would anticipate that it is zoned RSF-4.

**Alderman Cook:** Are you talking about the house between?

**Alderman Ferrell:** Yes. For some reason I was thinking that was C-2.

**Alderman Cook:** I think that is C-2.

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

***Ordinance 5254 as Recorded in the office of the City Clerk.***

**RZN 09-3318 (Happy Hollow School):** An ordinance rezoning that property described in rezoning petition RZN 09-3318, for approximately 32.53 acres, located on the west side of Crossover Road, approximately 0.50 mile north of Highway 16E, northeast of Happy Hollow Elementary School from RSF-4, Residential Single Family Four Units/Acre, to P-1, Institutional.

***City Attorney Kit Williams read the ordinance.***

**Jeremy Pate** gave a brief description of the rezoning. Planning Commission voted 6-0 in favor of this recommendation and staff is also recommending approval.

**Alderman Cook:** Now that we have this other piece of property next to it that we just rezoned. Moving forward there won't be any connection between Crossover and this piece of property but hopefully there would be some variety because the only connection we have across there is through the Cliff's development, right? Do you think the Main Street Center is an appropriate buffer to the P-1 property?

**Jeremy Pate:** Directly to the north of this was a PZD that was approved that has a stub out to this property. That public street will be extended and will connect eventually to Crossover Road through various phases of development. The school through their master plan is looking to connect that when the school is developed. It will provide a much needed access point.

In terms of a transition if you look to the west there is an existing Happy Hollow School. There's a PZD that has some single families and some two family. You have the Cliff's Apartments to the north. In terms of getting more intense as you head east towards Crossover that fits that model. Schools are unique in that they are very intense types of uses at certain periods of time. The transition there will work well between the commercial and residential activities.

**Alderman Cook:** The reason I asked those questions is because we have a blank slate in this piece of town. As we rezone these I try to visualize what we are going to build out. I know we have our vision based on our policies that we set up but sometimes reality doesn't quite meet those visions.

**Daniel Ellis** with Crafton, Tull, Sparks, and Associates stated he represents the Fayetteville School district on this project. He stated they are trying to encourage the pedestrian connectivity with the school and on out to Crossover Road.

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

***City Attorney Kit Williams read the ordinance.***

**Alderman Lewis:** These two projects the one that was previous and now this one. Are they working together? Can you talk a little bit about the communication going on? They seem like very compatible ideas and I'm wondering if there is a style, form, or vision that is going into those.

**Jeremy Pate:** I would hope so. I'm not sure what the property owners for the Main Street Center property have. The school is certainly on a faster track than that particular development. With the Main Street Center we are sure of the buildings up close to the street, parking hidden behind, and several design standards that I think will help achieve a general vision of what we see in City Plan 2025.

**Alderman Lewis:** Thanks.

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

***Ordinance 5255 as Recorded in the office of the City Clerk.***

**R-PZD 09-3237 (Markham Hill Cottage Courts):** An ordinance establishing a residential planned zoning district titled R-PZD 09-3237, Markham Hill Cottage Courts, located north of Maine Street and west of Cross Avenue; containing approximately 2.98 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan.

***City Attorney Kit Williams read the ordinance.***

**Jeremy Pate** gave a brief description of the ordinance. He stated staff and the Planning Commission recommended approval of this item.

**Alderman Cook:** In that area there are narrow streets with ditches on either side and then we are adding this. Will this substantially alter the pattern of traffic? On Nettleship at one point you were having trouble getting two cars side by side through there. Was there any discussion on that?

**Jeremy Pate:** There was and what we looked at was essentially widening the street on one side of the project. You will get those two lanes of traffic plus a parallel parking lane.

**Alderman Lucas:** Main Street is rather narrow too. Will it be widened by their property?

**Jeremy Pate:** That is correct.

**Alderman Lucas:** Will there be a sidewalk?

**Jeremy Pate:** There will be widening and a sidewalk along the property.

**Alderman Lucas:** I have not heard any negatives about it. I've heard some positive about it.

**Alderman Lewis:** I agree that it's innovative. I don't agree with the idea of widening the road and smoothing out the turn to allow faster turns and traffic. That's what we are struggling with on that side of town in general with cut through. In regard to the five foot radius it seems like that is more in line with the traditional form. My question is why make them change that? It seems like an acceptable way to do an intersection and especially to use it as a traffic calming tool. I feel like the five foot radius slows people down and it makes you stop and look both ways more than having comfort in turning that corner more quickly.

**Jeremy Pate:** I would have to disagree a little bit in the downtown area. I don't know that we have a lot of five foot turning radius. The ones that are more traditional are closer to fifteen.

**Chris Brown City Engineer:** What's important is the parallel parking on this street. The area between the five foot radius and the twenty foot radius is dead space unusable to cars because when you turn in you have to avoid the parked cars. The three benefits to the bump outs are they provide a narrowing of the intersection which does provide the traffic calming affect. It reduces the pedestrian crossing distance and is protection for the parked cars.

**Rob Sharp** represents the applicant. He stated this project is not geared towards students. It's geared to owner occupants. It's not set up to be a student housing project in any way.

**Alderman Lucas moved to suspend the rules and go to the second 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 Lucas:** Jeremy, the concern you had that was addressed at the Planning Commission and that has been brought forward to us is that what we are voting on?

**Kit Williams:** The twenty foot turning radius.

**Jeremy Pate:** Yes, that's what was recommended by the Planning Commission.

**Alderman Lucas:** That is what we are voting on?

**Jeremy Pate:** That's correct.

**Alderman Lucas moved to suspend the rules and go to the third and final 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.***

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

***Ordinance 5256 as Recorded in the office of the City Clerk.***

**VAC 09-3181 (Elsass/619 Rockcliff Road):** An ordinance approving VAC 09-3181 submitted by Kirk Elsass for property located at 619 North Rockcliff Road to vacate approximately 3,206 square feet of drainage easement on the subject property.

***City Attorney Kit Williams read the ordinance.***

**Jeremy Pate** gave a brief description of the ordinance. He stated staff and the Planning Commission recommended approval of this item.

**Alan Reid** representative for Mr. Elsass stated he is in complete agreement with any conditions that were attached to the application.

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

***City Attorney Kit Williams read the ordinance.***

**Alderman Lewis** stated she really appreciated staff working with the applicant on the natural drainage.

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

***Ordinance 5257 as Recorded in the office of the City Clerk.***

**VAC 09-3320 (Elsass/621 Rockcliff Road):** An ordinance approving VAC 09-3320 submitted by Alan Reid for property located at 621 Rockcliff Road to vacate a 12.5' utility and drainage easement and a 15' utility, drainage, and pedestrian easement containing a total of 3,794 square feet.

*City Attorney Kit Williams read the ordinance.*

Jeremy Pate gave a brief description of the ordinance. He stated Planning Commission and staff recommended approval of this item.

Alan Reid stated Mr. Elsass agrees to all conditions stated.

Alderman Gray 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 Gray moved to suspend the rules and go to the third and final reading. Alderman Lucas 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 7-0. Alderman Petty was absent.

*Ordinance 5258 as Recorded in the office of the City Clerk.*

**VAC 09-3321 (Hubbard/Trails End Lane):** An ordinance approving VAC 09-3321 submitted by Tom Hubbard for property located at 4830 Trails End Lane to vacate a portion of a utility easement containing a total of 131.76 square feet.

*City Attorney Kit Williams read the ordinance.*

Jeremy Pate gave a brief description of the ordinance. He stated Planning Commission and staff recommended approval of this item.

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

*City Attorney Kit Williams read the ordinance.*

**Alderman Ferrell 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.***

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

***Ordinance 5259 as Recorded in the office of the City Clerk.***

**Amend Chapter 33 Departments, Boards, Commissions, and Authorities:** An ordinance to amend Article XI Environmental Concerns Committee of Title III of the Code of Fayetteville to rename it Environmental Action Committee.

***City Attorney Kit Williams read the ordinance.***

**Alderman Lewis:** The Environmental Concerns Committee with a new vision for future activities and along with organizing a watershed education luncheon series voted to choose a new name that matched some of the new philosophy they would like to pursue and be more active in. They are helping to educate people about some of the concepts they have learned about over the past few years. In order to stimulate some of that philosophy and help them support that vision this ordinance has been brought forward to change the name.

**Aubrey Shepherd:** I like what you are doing. In this case very much, thank you.

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

***City Attorney Kit Williams read the ordinance.***

**Alderman Cook moved to suspend the rules and go to the third and final reading. Alderman Thiel 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 7-0. Alderman Petty was absent.**

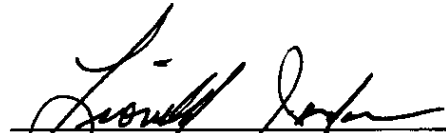
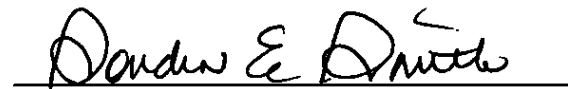
***Ordinance 5260 as Recorded in the office of the City Clerk.***

**Agenda Additions:** None

113 West Mountain 72701 (479) 575-8323 [accessfayetteville.org](http://accessfayetteville.org)  
TDD (Telecommunications Device for the Deaf) (479)-521-1316

**Announcements:** None

**The meeting adjourned at 7:46 PM**

  
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Lionel Jordan, Mayor  
\_\_\_\_\_  
Sondra E. Smith, City Clerk/Treasurer