

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
September 18, 2012**

A meeting of the Fayetteville City Council was held on September 18, 2012 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:

Advertising and Promotion Commission Appointment – The Commission recommends the appointment of Ching Mong.

Alderman Ferrell moved to approve the appointment of Ching Mong to the Advertising and Promotion Commission. Alderman Lewis seconded the motion. Upon roll call the motion passed 6-0. Alderman Adams was absent during the vote. Alderman Petty was absent.

Nominating Committee Report – Alderman Adella Gray gave the Nominating Committee Report. A copy of the report is attached.

Alderman Ferrell moved to approve the Nominating Committee report. Alderman Tennant seconded the motion.

Alderman Lewis: Can you clarify the "to be determined".

Alderman Gray: That has not been given to us yet. This is a brand new committee (Town and Gown) and I am assuming that they are going to make that determination at a later time.

Alderman Lewis: The Committee itself is going to make that determination.

Alderman Gray: I am assuming so.

Don Marr: One of the action items at their first meeting is the discussion on terms, rotating their terms and length of terms. The ordinance did not define that so it is left up to the committee to determine.

Upon roll call the motion passed 7-0. Alderman Petty was absent.

Agenda Additions:

The following was added to the agenda

Alderman Ferrell moved to add the 2014 Governor's Conference on Tourism resolution to the agenda. Alderman Tennant seconded the motion. Upon roll call the motion passed 7-0. Alderman Petty was absent.

2014 Governor's Conference on Tourism: A resolution to encourage selection of Fayetteville for the 2014 Governor's Conference on tourism.

Alderman Tennant: The A&P Commission is putting a bid together to host this conference. This will show that the City of Fayetteville supports this activity and conference.

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

Resolution 184-12 as recorded in the office of the City Clerk.

Consent:

Approval of the September 4, 2012 City Council meeting minutes.

Approved

Repeal Resolution No. 152-12 Drake Field Pavement Rehab & Re-Marking Phase II Project: A resolution repealing Resolution No. 152-12 rescinding an unneeded budget adjustment.

Resolution 185-12 as recorded in the office of the City Clerk.

2012-2013 Selective Traffic Enforcement Program (STEP) Grant: A resolution to approve the 2012-2013 Selective Traffic Enforcement Program Grant award in the amount of \$112,500.00 and to approve the attached budget adjustment.

Resolution 186-12 as recorded in the office of the City Clerk.

Riggs Cat: A resolution to approve the purchase of a backhoe loader pursuant to the state contract from Riggs Cat in the amount of \$136,000.00 plus any applicable sales tax and to approve the attached budget adjustment.

Resolution 187-12 as recorded in the office of the City Clerk.

Goodwin & Goodwin Change Order 1: A resolution to approve Change Order No. 1 of the construction contract with Goodwin & Goodwin, Inc. for an additional \$105,125.00 and to approve a budget adjustment.

Resolution 188-12 as recorded in the office of the City Clerk.

Bid 12-67 Second Nature Property Management, LLC: A resolution awarding Bid #12-67 and authorizing a contract with Second Nature Property Management, LLC in the amount of \$48,206.00 for the planting and maintenance of trees from the Tree Escrow Fund, and approving a ten percent (10%) project contingency.

Resolution 189-12 as recorded in the office of the City Clerk.

Razing and Removal Costs for 1609 S. Duncan Avenue: A resolution certifying to the Tax Collector of Washington County, Arkansas the costs of razing and removal of a dilapidated and unsafe structure upon the property owned by Adam P. Dyess, Perry J. Dyess and Carolyn A. Dyess located at 1609 S. Duncan Avenue in the City of Fayetteville, Arkansas.

Removed from the Consent Agenda and later reconsidered.

Alderman Kinion moved to approve the Consent Agenda. Razing and Removal Costs for 1609 S. Duncan Avenue was later reconsidered. Alderman Boudreaux seconded the motion. Upon roll call the motion passed 7-0. Alderman Petty was absent.

Unfinished Business:

RZN 12-4166 (South of Brookbury Crossing & East of Candlewood Developments/Riggins): An ordinance rezoning that property described in rezoning petition RZN 12-4166, for approximately 20.99 acres, located to the south of Skillern Road from R-A, Residential Agricultural to RSF-0.5, One Half Single-Family Units Per Acre. *This ordinance was left on the First Reading at the August 21, 2012 City Council meeting and Tabled to the September 18, 2012 City Council meeting.*

Jeremy Pate: The applicant submitted an email requesting that this be tabled for one month so October 16th would be the meeting date if it were tabled tonight.

A discussion followed on what reading it should be left on.

Jared Inman with Jorgensen and Associates stated we know, from the brief discussions with the neighbors, that traffic is an issue with this development. Our traffic report came in yesterday so City staff has not had a chance to look at it. The reason for tabling is we want to get all the information out before we take your time and I promised the neighbors that we would be meeting with them prior to having this issue.

Alderman Gray: You are pretty sure you will be ready in a month. We have all had emails from the neighbors that say they do not want to keep putting it off. They want to know for sure when it's going to happen.

Jared Inman: The developer doesn't want to put it off either.

Alderman Gray: So in a month you should be ready.

Jared Inman: We should be.

Alderman Lewis: So this is a rezoning request? The traffic study on something like this is considering the zoning and not the development plan?

Jeremy Pate explained the considerations involved in this project.

Alderman Ferrell: I also received correspondence from constituents. He referenced the business license process and how many times it had been tabled.

Jimmy Roy, a resident of Brookbury stated I agree that it should be tabled as well.

Alderman Ferrell moved to table the ordinance to the October 16, 2012 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 October 16, 2012 City Council meeting.

City Attorney Kit Williams: I think we are going to have to go back to item #7 on the Consent Agenda because that must be a public hearing. So I would like the City Council to vote to reconsider that and then let's conduct a public hearing.

The following item was removed from the Consent Agenda for reconsideration:

Alderman Ferrell moved to reconsider Razing and Removal Costs for 1609 S. Duncan Avenue from the Consent Agenda for discussion. Alderman Adams seconded the motion.

A discussion followed on which item it was.

Upon roll call the motion passed 7-0. Alderman Petty was absent.

Razing and Removal Costs for 1609 S. Duncan Avenue: A resolution certifying to the Tax Collector of Washington County, Arkansas the costs of razing and removal of a dilapidated and unsafe structure upon the property owned by Adam P. Dyess, Perry J. Dyess and Carolyn A. Dyess located at 1609 S. Duncan Avenue in the City of Fayetteville, Arkansas.

Mayor Jordan opened the public hearing.

There was no public comment during the public hearing.

City Attorney Kit Williams: If there is no one in the public speaking we have evidence in the agenda showing a bill from M & M Excavating, LLC in the amount of \$3,495.00 plus we have pictures demonstrating that this house had to be razed and removed. He explained various evidence that had been presented.

Mayor Jordan closed the public hearing.

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

Resolution 190-12 as recorded in the office of the City Clerk.

New Business:

§92.01 Definitions of the Animals Chapter & §92.35 Managed Care of Feral Cats: An ordinance to enact new definitions into §92.01 **Definitions of the Animals Chapter** of the Fayetteville Code and enact §92.35 **Managed Care of Feral Cats**.

City Attorney Kit Williams read the ordinance.

Alderman Boudreaux gave a brief description of the ordinance. This ordinance will provide a nature reduction of feral cats.

Justine Middleton, Animal Services Director stated we fully support. She spoke in favor of the ordinance. This would allow for a sponsoring animal welfare organization that would take on the financial burden of paying for some of the costs involved.

Alderman Lewis: The animal welfare organization, is that a request for proposals process or how is that established?

Justine Middleton stated we are going to have a simple application form. She explained the application process.

Alderman Adams stated you said this is a more humane way and I am not convinced of that at all. I am not in favor of this. She expressed her concerns with this being humane.

Justine Middleton explained that we are going to continue to see an increase in population if we don't do something else and discussed how the cats would be monitored over time.

City Attorney Kit Williams clarified what the ordinance means.

Alderman Lewis: I noticed the need for language defining caretaker. I am wondering if we might add a definition.

Alderman Boudreaux: I think there was a concern about making it so rigid in the ordinance and I think they wanted to do this more with the practices and procedures rather than make it all policy. There was a real concern about keeping it open ended as far as the staff's viewpoint and being able to administrate it. I appreciate your concern Rhonda about animals being trapped. The animals will be trapped by people that care enough to donate their time to taking care of the colony. So I don't think in this situation you are going to have traps out there unattended. She stated this is far more humane.

Alderman Adams: If the caretakers are taking good care of these animals now why do we need an ordinance?

Alderman Boudreaux: The cats need to be spayed and neutered.

Alderman Adams: Why do we need a law that says they have to do that if they are taking good care of them?

Justine Middleton: Currently we have a problem with people that do take care of feral cats. They don't want to invest the time and money in spaying and neutering a cat.

Dr. Robb Jones: I also support this whole heartedly. The cats that are out there are repopulating and the population is going to get out of control.

Alderman Adams: So how big is the problem? Do we count colonies or have statistics?

Dr. Robb Jones: I don't know that we specifically count them but I know that we are receiving frequent calls on trapping feral cats.

Alderman Adams: Probably worth having an ordinance?

Tony Rankin, Animal Services Program Manager: Yes, there are several places in town and we go routinely to houses and trap cats already. We are going to manage this with a policy.

Alderman Adams: I have more confidence in you as a trained animal services person than I may have in the general public with that kind of ordinance.

Alderman Lewis: How many cats per colony are we talking?

Tony Rankin: For instance at the mall location we are probably talking 20 to 40 cats in one area. It is a colony that is organized by an individual.

Alderman Lewis: It's hard to know how many are in a colony because they are roaming free. We don't really know and that is another reason for this initiative to better understand what the situation is.

Yolanda Fields, Community Services Director: Currently the ordinance does not allow for cats to be off the leash. We do have individuals that are out there caring for these feral cats and they are afraid to come forward because they are not supposed to be doing that. We will establish policy to make sure that the cats are fed, watered, healthy and well cared for.

Alderman Lewis: In the current method there is a complaint and then the City goes out and traps. This would be the caretaker trapping and making the cats available to be neutered and vaccinated and so on. Therefore reducing the trapping and trying to capture. So to me it seems like this would reduce the trapping.

Yolanda Fields: Right, and once the cat's ear has been tipped then we know that that cat has been neutered. So then it would just be a matter of keeping up with the medical records and vaccinations which will control the spread of disease.

Alderman Tennant: Inspections of the care takers, is that going to be done quarterly?

Yolanda Fields: Yes, we will establish a policy and an SOP that will provide the guidelines of what is going to happen with that and if we see the need for monthly then we will modify that.

Alderman Tennant: So you will change it if you need to.

Yolanda Fields: Right and that way we don't have to keep coming back to Council with changes to the procedures.

Terri Phelan spoke on the current problems with our pet population and expressed her concerns with the ordinance. She stated she is opposed to the ordinance. She believes the proposed ordinance will turn Fayetteville into a dumping destination.

Alderman Kinion: I did read your information and I appreciate the time you put into it. I think it did specifically point out that you have a concern for cats and after reading this I did more research and I looked at other ordinances where they had enacted these. It is a commendable and honorable idea to have managed feral cat colonies. I think you have let us know that yes there are concerns. I want you to know that I appreciate that you specifically handled the wording of the ordinance and some deficiencies where we may go back and improve this to make it more comprehensive.

Alderman Lewis: I also received it and in looking at it it surprised me that you were not supportive of it because of your recognition that the feral cat population is an issue in our community. I think the intent of this is similar to what you care about and I am wondering if you could respond to the idea that this is a step toward making improvements. You are saying this misses on some of the vaccinations.

Terri Phelan: Correct, and studies have shown that diseases can be transferred back and forth between feral cats and wildlife. She referenced another study and went on to give its findings.

Alderman Lewis: The intent of this is to establish more neutered cats in those populations.

Terri Phelan: I think that is needed but the problem is they are released into an open environment and are allowed to roam. I have a huge problem with the roaming. How do you address that?

Ruth Frances, an animal advocate stated I am not opposed to your proposal but my main problem is that it goes too far. This is cumbersome expecting the caretakers to do all of the things that you list here. She expressed her concerns with the ordinance.

Alderman Boudreaux explained the reasons why they created the ordinance.

Ruth Frances: I am not disagreeing with you at all. I think the caretakers will quit doing it and then your program has failed.

Alderman Boudreaux: We hope that doesn't happen and that the caretakers will follow through.

Ruth Frances addressed Alderman Adams comments and she stated once they are spade and neutered they lose their ability to defend themselves and are at risk for injury. I am just concerned that you are making it too complicated for the caretakers.

Carol Mason, resident of 1923 E. Joyce expressed her concerns and spoke against the ordinance. She stated I hope that you will do more about socializing feral cats because they deserve to live. I believe your plan is a step in the right direction.

Alderman Boudreaux moved to suspend the rules and go to the second reading. **Alderman Ferrell** seconded the motion. Upon roll call the motion passed 6-2. **Alderman Kinion** and **Adams** voting no. **Alderman Petty** was absent. **Mayor Jordan** voted yes to suspend the rules.

City Attorney Kit Williams read the ordinance.

Alderman Lewis: My first request is that we keep it here. The one thing I am thinking is that across the board everyone agrees that there is a problem with feral cats so the question is how do we address it. One option is for an individual who does care very much and wants to take responsibility for cats that are roaming, with an effort to begin to minimize those that are coming to their point where they put out food; because there is no telling how far they roam; but if they are willing to follow these guidelines then there can begin to be an effort to minimize that colony as a result of the neutering.

Alderman Boudreaux: I am glad to keep it here because Alan Long who chairs the Animal Services Advisory Board is not here and I am sure that some of those people that serve on that committee would like to be here and also address it. All this does is give one opportunity to something being done in one section of town and I am sure there is going to be more than one caretaker. This is just enabling one other way of dealing with an issue and trying to help a few more cats out there.

Alderman Kinion: I think this is commendable but as we move forward I want to be certain that we are doing the best possible plan and being the most comprehensive in our preplanning. I can't support it as it is right now but I do support the idea. We must have a comprehensive solution based on real data, real plans before I can support it and move forward.

Alderman Ferrell: Ultimately don't you think that the proposed policy will help with the negative or harmful affects on domestic pets and decrease the feral cat population in this area. That is the intent. How prevalent is feline leukemia in the feline community here?

Dr. Robbins: From our population at the shelter it is not very common at all. Over the last three years we have probably had 20 to 30 positives.

Alderman Ferrell: Out of how many cats?

Dr. Robbins: Thousands.

Alderman Boudreaux: We did not have a full quorum at the Ordinance Review Committee meeting with exception of Matthew the members seem to be in support of this. Do you all see any reason for us to take this back to the committee?

Alderman Adams: Did you all look at the keeping of wild animal's ordinance and do we need this to be a separate subsection or do we need to look back at the ordinances that we're living by now and see how we can work this into it?

Alderman Boudreaux: The City Attorney actually reviewed how to place it in the code so that is not an issue. So really all we are talking about is do we want to hash this out some more before the next meeting?

Alderman Adams: I like the idea that we would define what a caretaker is.

City Attorney Kit Williams: A caretaker is one that fulfills the caretaker duties and is registered with the animal welfare organization.

Alderman Lewis: I don't think there is a need to meet again.

Mayor Jordan thanked the Animal Services Division for the hard work they do and Alderman Boudreaux for bringing this forward.

This ordinance was left on the Second Reading.

VAC 12-4141 (555 W. Maple St./555 Maple): An ordinance approving VAC 12-4141 submitted by McClelland Consulting Engineers, Inc. for property located at 555 West Maple Street to vacate a portion of Lafayette Street right-of-way, a total of 0.04 acres.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

Alderman Lewis: I am noticing there is a designated tree area, is that on a different corner?

Jeremy Pate explained where the area is located.

Alderman Kinion: So we are not removing any trees from what I see.

Jeremy Pate: Not from this, no sir.

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 Ferrell moved to suspend the rules and go to the third and final reading. **Alderman Tennant** 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 unanimously.

Ordinance 5524 as Recorded in the office of the City Clerk

VAC 12-4201 Nantucket Phase IV: An ordinance approving VAC 12-4201 submitted by Civil Design Engineering for property located west of Morningside Drive (Nantucket Phase IV) to vacate a utility easement, a total of 0.24 acres.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

Alderman Lewis: A lot of times the other utilities will use those same easements but they didn't provide input.

Jeremy Pate: In this particular case it was just a sewer easement so if it is a general utility easement then we require all those utility companies to sign off.

Alderman Lewis: So they already have their easement identified?

Jeremy Pate: Yes.

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 Tennant 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.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Adams was absent during the vote. Alderman Petty was absent.

Ordinance 5525 as Recorded in the office of the City Clerk

ADM 10-3554 I-540 Design Overlay District and Board of Adjustment Variance Findings: An ordinance to amend Chapters, 151, 156, 161, 164, 166, and 174 of the Unified Development Code to repeal the requirements of the I-540 Design Overlay District and revise various sections

of the code accordingly and to amend the Board of Adjustment findings for variances to reflect state statutes.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

City Attorney Kit Williams thanked the Planning staff for working with him on this. I certainly agree with Planning that this is proper and I would recommend it for your consideration.

Alderman Ferrell: I like this one comment, this means that buildings that are constructed for public schools and church's will not be reviewed for aesthetic design consideration, I think there were a lot of things that were minute and I think it was overarching some of the restrictions.

City Attorney Kit Williams: They never have been reviewed for aesthetics and I did not want them added. I did not believe we had the constitutional and statutory power to do that.

Mayor Jordan: We just thought we would clean it up a little bit.

Alderman Lewis: I think this will facilitate the development process for people so there is not these two different codes that have to be looked at in those areas. Its really going to be useful in the neighborhood plan for Wedington in that that corridor is part of the Wedington Neighborhood Plan. So I really am glad that this is coming forward.

Jeremy Pate gave examples of past development submittals and how this would really help solidify exactly what they should be looking at in terms of the development process.

Alderman Boudreaux 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 Lewis 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.

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

Ordinance 5526 as Recorded in the office of the City Clerk

Amend 163.13 Wireless Communication Facilities: An ordinance to amend §163.13 Wireless Communication Facilities of the Unified Development Code to clarify height limitations for antennas placed upon existing structures, to empower the zoning and development administrator to grant a variance in appropriate circumstances and to declare an emergency.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams gave a brief description of the ordinance.

Jeremy Pate stated I agree with the recommended changes and gave the intent behind the ordinance.

Alderman Lewis: What if it's blocking someone's view?

Jeremy Pate: Normally it's going to be in the center of a property and the ordinance actually speaks to locating it back from the edge of a structure. He went on to explain the requirements.

Todd Walters, resident of Harvard St. asked for clarification on the emergency clause.

City Attorney Kit Williams gave an explanation of an emergency clause.

Todd Walters: So if the emergency clause wasn't enacted what would be the next step?

City Attorney Kit Williams: It would be 31 days before the ordinance would go into effect and that would delay construction.

Scott Broadbent with pb2 Architecture & Engineering representing Nexstar stated I am here to answer any questions that you may have.

Alderman Tennant: Are these going to be the same basic satellites that I see now on the back of the building here?

Scott Brodbent: Very similar, there is only two. They won't be on a similar structure. These will be taken down and brand new ones installed.

Alderman Ferrell thanked Kit and Jeremy for facilitating this because of the need for communications.

Alderman Ferrell 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 Ferrell moved to suspend the rules and go to the third and final reading. Alderman Tennant 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 5527 as Recorded in the office of the City Clerk

Alderman Boudreaux moved to approve an Emergency Clause. Alderman Ferrell seconded the motion. Upon roll call the Emergency Clause passed 7-0. Alderman Petty was absent.

Alderman Marr: One of the goals of the staff is to try to solve these situations so that we remove unnecessary steps and add flexibility where it's needed within our ordinances. We appreciate your continued support of that.

Amend §36.01 Initiative Petitions; When to be Filed: An ordinance to amend §36.01 Initiative Petitions; when to be filed to change 60 days before the general election to 83 days before the general election to facilitate ballot printing for early voting.

City Attorney Kit Williams read the ordinance.

City Clerk Sondra Smith gave a brief description of the ordinance.

Alderman Lewis: So this would minimize the amount of time a petition would have in order to get something on the ballot?

City Attorney Kit Williams: It would have to be filed earlier than it is now. That is necessary because there are rights for people to challenge signatures or petitions. 60 days really makes it unworkable for the County and City Clerk to fulfill their duties so that everyone is allowed to vote on something.

Alderman Lewis: So the 60 days sounds like it was established before we had early voting?

City Attorney Kit Williams: Yes, it goes all the way back to Amendment 7 and they did not do early voting when that was passed.

City Clerk Sondra Smith: Also, the Election Commission requests that ballot issues get to them 70 days before an election so it is still giving us a very short time frame to even meet their deadline.

Alderman Ferrell: I am kind of sensitive to the fact that our men and women in uniform, in a timely manner, get to be able to cast their ballots, and if this will help in that then I certainly support it.

Alderman Ferrell 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 Tennant 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: Where are other counties or cities on this?

City Clerk Sondra Smith: The County Clerk was going to check with other cities. She recommended we do 90 to 120 days but after reading the state statute and confirming with Kit he said we can't do that because the Constitution says we can go up to 90 days. The County I believe does 90 days.

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

Ordinance 5528 as Recorded in the office of the City Clerk

2012 Millage Levy: An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas for the year 2012 fixing the rate thereof at 1.3 mills for General Fund operations, 0.4 mills for the Firemen's Pension and Relief Fund, 0.4 mills for the Policemen's Pension and Relief Fund and 1.0 mill for the Fayetteville Public Library; and certifying the same to the County Clerk of Washington County, Arkansas.

City Attorney Kit Williams read the ordinance.

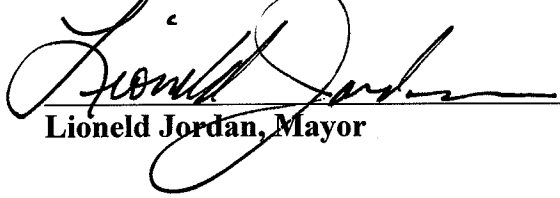
Mayor Jordan: Paul Becker is not here and I am sure he wants us to leave it here.

Don Marr: It's the staff's request that since this is a rededication of the current tax levy; just to have public have ample opportunity to provide you comments prior to a vote; we would like to ask that you leave this on the first reading.

This ordinance was left on the First Reading

Announcements:

Adjournment: 8:25 p.m.



Lioneld Jordan, Mayor



Sondra E. Smith, City Clerk/Treasurer

Nominating Committee Report

Meeting: Wednesday, September 5, 2012

City Hall, Room 326, 4:00 p.m.

Members Present – Adella Gray, Bobby Ferrell, Rhonda Adams, and Mark Kinion

The Committee recommends the following candidates for appointment:

Animal Services Advisory Board

- Meredith McKee – One Unexpired Washington County Representative Term Ending 06/30/15
- Richard Clehouse – One Unexpired Finance Term Ending 06/30/15

Construction Board of Adjustments and Appeals

- No applications were received

Environmental Action Committee

- Angie Albright – One Unexpired Community Citizen-at-Large Term Ending 06/30/15

Historic District Commission

The Mayor recommends

- Jerry Hogan – One Unexpired Term Ending 06/30/15

Parks and Recreation Advisory Board

- Angie Sass – One Unexpired Term Ending 12/31/14

Public Facilities Board

- No applications were received

Town and Gown Advisory Committee

- Barry Herzog– One Resident/Ward 1 Term Ending (TBD)
- Diane Warren– One Resident/Ward 2 Term Ending (TBD)
- Tommy Deweese– One Resident/Ward 3 Term Ending (TBD)
- Ryan Miller – One Resident/Ward 4 Term Ending (TBD)
- Steve Clark– One Business Owner/City Development Community Term Ending (TBD)
- Joseph Kieklak– One University of Arkansas Student Term Ending (TBD)