

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
October 02, 2012**

A meeting of the Fayetteville City Council was held on October 02, 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, Petty, Tennant, Ferrell, Adams, Lewis, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Mayor Jordan welcomed the students from Spring International and asked them to stand and be recognized.

City Council Meeting Presentations, Reports and Discussion Items: None

Agenda Additions: None

Consent:

Alderman Lewis: I would like to pull Item # 3 Garver, LLC from Consent.

Mayor Jordan: We will pick that up right after I read the Consent Agenda.

Approval of the September 18, 2012 City Council meeting minutes.

Approved

Callie's Prairie: A resolution naming the Lake Fayetteville Prairie Restoration Area "Callie's Prairie" in honor of Callie Henson, an early pioneer and land owner.

Resolution 191-12 as recorded in the office of the City Clerk.

Garver, LLC: A resolution approving an amendment to the contract with Garver, LLC for additional professional engineering services associated with the extension of Frisco Trail in an additional amount not to exceed \$26,500.00.

This item was removed form the Consent Agenda for discussion.

Arkansas Forestry Commission Urban and Community Forestry Program Grant: A resolution authorizing acceptance of an Arkansas Forestry Commission Urban and Community Forestry Program 50/50 matching grant in the amount of \$7,500.00 to provide for construction of parking lot improvements north of the City's Development Services Building and approving a budget adjustment recognizing the revenue.

Resolution 193-12 as recorded in the office of the City Clerk.

CDBG Public Facility Program: A resolution to approve a contract with GRR Land Company, LLC in the amount of \$ 19,162.37 to use Community Development Block Grant Funds to rehabilitate a city building at 1932 S. Garland for charitable services for Fayetteville citizens.

Resolution 194-12 as recorded in the office of the City Clerk.

Alderman Petty moved to approve the Consent Agenda as read with Garver, LLC removed from Consent for discussion. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

The following item was removed for the Consent Agenda for discussion:

Garver, LLC: A resolution approving an amendment to the contract with Garver, LLC for additional professional engineering services associated with the extension of Frisco Trail in an additional amount not to exceed \$26,500.00.

Matt Mihalevich, Trails Coordinator: This is for the design work for the Frisco Trial extension from MLK to Walker Park. We had an alignment change which included a new bridge near Ninth Street and South School.

Alderman Lewis: I requested that it be removed from Consent because I have had people request a chance for discussion. The question is about the rerouting and where that goes. Where is it crossing?

Matt Mihalevich: The actual bridge will be crossing south of the El Camino restaurant and a garage. We will comply with the streamside protection ordinance.

Alderman Kinion: It was pointed out to me that there is already an existing bridge at the end of Church Street and there was a concern of why didn't we go through there because it does end at Walker Park.

Matt Mihalevich: This was brought to my attention. I went to the site and there is a business there. To incorporate that trail we are going to have to take out their parking lot to stay out of the streamside protection zones. It will really limit their business. It also sends the trail too far north. There is more potential destruction to the riparian zone going parallel with the creek than just cutting right across and minimally putting a bridge in and going straight through Walker Park.

Alderman Ferrell: I also had someone contact me and I told them this was just an amendment to the engineering contract. The full contract and other things will be coming before the Council.

Matt Mihalevich: The next thing will be when we can get the design all together and will be bidding this project.

Alderman Ferrell: There may be some property owners that want to speak.

Aubrey Shepherd, a citizen expressed his concerns with the proposed route and the drainage of water in the area.

Randy Parrish, a citizen and business owner expressed his concerns about adding a stop light for the trail crossing. He stated his business has limited parking that may be affected and he is also concerned about taking green space from his property. He spoke against the resolution.

Mayor Jordan: What was the name of your business?

Randy Parrish: Parrish Garage.

Alderman Lewis: It seems like there is still communication that needs to happen as far as where it is when we design the trail. Can that conversation still happen and if so when? Is there still an opportunity for Mr. Parrish to work with you and the team to look at a location?

Matt Mihalevich: Absolutely, that is a big part of the process. We can possibly look at shifting north a little bit more and working through that to make it the best possible location.

Alderman Petty: When this idea was presented to the Street Committee there were significant improvements to the pedestrian facilities at Martin Luther King Boulevard and School Street. So

I just want to make sure that everybody understands that this grant isn't just going toward the trail itself, it also goes toward improving pedestrian facilities at that intersection.

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

Resolution 192-12 as recorded in the office of the City Clerk.

Unfinished 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**. *This ordinance was left on the Second Reading at the September 18, 2012 City Council meeting.*

Alderman Boudreaux moved to suspend the rules and go to the third and final reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-1. Alderman Kinion voting no.

City Attorney Kit Williams read the ordinance.

Alderman Boudreaux gave a brief description of the ordinance.

Alderman Petty stated problem cats still get euthanized even if this ordinance passes. This is a humane way to deal with humane animals. He stated there are funding needs at the animal shelter. He also addressed concerns that he had received from citizens.

Alderman Kinion stated I support the management of feral cat colonies. He expressed his concerns with the amount of control needed to handle the treatment of the animals. He would like to see a standard operating procedure in place.

Alderman Petty: Is your contention really a matter of process? Would you rather that we enacted a process for selecting an organization before passing this such as an RFP, or something similar? In general do you find the principal of the ordinance and the rest of it to be sound?

Alderman Kinion: I think that if we are going forward in accepting this responsibility as a city then we have to go forward and accept this responsibility financially, humanely, with staff support and managing these animals in the most humane way that we can. Right now it is vague. He handed out copies of the seven elements that are defined by the Alley Cat Allies of what we should be doing in order to appropriately plan as we initiate our program. I want to be sure that the organization knows that there has to be a plan. It should be an RFP and it should come to the City Council.

Alderman Lewis: So an organization would register to manage a cat population. Could part of the registration process be outlining your methods?

Justine Middleton, Animal Services Director: We did leave it flexible and open. We haven't had anyone approach us yet that has shown any interest in doing this. If we were to be approached, at that point is when we were going to go in and look at extensively writing our standard operating procedures.

City Attorney Kit Williams discussed the process of drafting the ordinance.

Alderman Boudreaux: I know there has been mention of the City Animal Services using some of their resources for this program. I think that may be something we look at in the future if we see a need.

Patty Besom, resident of 15 N. West Avenue expressed her concerns with the protection of birds. She voiced her concern about colony cats and feral cats. She does not think you can manage a population of wild cats.

Joe Neal, resident of 145 E. Cleburn spoke on the impact of the cats and their affects on native wildlife. The effects are negative. They take a toll on birds.

Alderman Petty: I know you are a scientist. It is my understanding that the reason this kind of program is held up as a model, is because it reduces the number of feral cats in the community more quickly than a conventional euthanasia program, which in theory should reduce that feral cat population impact on native wildlife more quickly than any conventional euthanasia program.

Joe Neal discussed his experience and expertise on feral cats. They will be turned loose and will continue to affect wildlife.

Alderman Kinion: It's my understanding that you have reviewed the literature and I also am unconvinced that it reduces the number.

Joe Neal continued giving statistics from the American Bird Conservancy and stated there probably is some reduction. He continued to voice his concern about the affects feral cats have on wildlife.

Alderman Kinion: Have you run across any numbers, in your review of literature, that would support the reduction of feral cats?

Joe Neal: It depends on who did what but from the bird community those feral cat colonies don't shrink just because you neutered the cats.

Alderman Gray: So what is your solution?

Joe Neal: If animal control captures animals that don't have owners then I think they should be humanely killed. It is not something I enjoy because I do not hate cats. I don't see that there is an option. There is not an in between.

City Attorney Kit Williams read a sentence from the ordinance and stated the only cats that would be returned to the caretaker are the ones the caretaker has caught and taken to the vet and then it is returned to the caretaker. If there is a cat that is a problem to birds they can be captured by Animal Services.

Alan Long, Chair of the Animal Services Advisory Board pointed out that if this does pass the Animal Services Advisory Board would like to review the standard operating procedures for the program itself. This ordinance allows caretakers and non profits to work together to manage the decline of colonies. If we do not do a program similar to this they will not be controlled at all. This is a sustainable approach that creates a humane solution to an existing problem.

Alderman Lewis: Has the Animal Services Advisory Board discussed the impacts on wildlife?

Alan Long: We did, and what I have spoken about is what we have discussed. If they are not trapped in a program like this then the impact will continue to be the same and not reduced.

Charlynn Lacey-Jenkins, resident of 224 E. 13th St. spoke on the positive affects that stray cats have on her community and how they control mice and snakes. She spoke in favor of the ordinance.

Marsha Donnally, resident of Fayetteville and founder of Spay Arkansas shared her experiences with controlling the feral cat population. She talked about a cat colony in a trailer park and her experience with that colony. She spoke in favor of the ordinance.

Alderman Lewis: How did you find out about the colony?

Marsha Donnally: Cat colony feeders are afraid to be recognized. I met a man that came in with five kittens and we started talking and he said there were more. We got the neighbors involved and have spayed and neutered the cats.

Brandon Schmitt, resident of 1220 Ellis Avenue expressed his concerns with the affects feral cats have on his landscaping and gardens. The affects on wildlife needs to be looked at and if it is humane to let the cats go.

Alderman Lewis: If Brandon has a complaint about a neighbor who has all these cats, does that go back to that line in the ordinance? What is being enforced as far as leash laws?

City Attorney Kit Williams explained how this would change the law and what this ordinance meant if it were passed.

Justine Middleton also explained what would take place if the ordinance were passed.

Alderman Lewis: There certainly needs to be a broad understanding that people can file a complaint, as things are no matter what happens with this, for any nuisance animal.

Justine Middleton: Definitely.

Alderman Kinion: This just seems to be developing more conflict than resolution. I am supportive of this but I want it to be better defined.

Alderman Ferrell: If an Animal Services officer is going down the street and he sees a cat that does not have a collar on, and no complaint has been filed, would it be taken in?

Justine Middleton: It probably depends on what they are doing. If they are on their way to another call they are probably not going to stop. Trying to catch it is really a futile effort.

Alderman Ferrell: Are there any communities in the country where the spay and neuter and return is working and there are tangible results?

Justine Middleton described the research she had done on other locations.

Alderman Ferrell stated he had heard about a community in Minnesota where the pound was out of dogs.

Alderman Boudreaux: That is a result of a community requiring spay and neutering of all domestic animals. I certainly would advocate that but there would be a lot more people in this room if I did so.

Alderman Kinion: It seemed like some of the areas were more temperate climates. How does that work when we do not have a temperate climate?

Justine Middleton: To me, it is more humane to continue on the way that we are doing. We are not really doing anything. Whereas at least if we have a caretaker over a colony and we see the need in the future we could start requiring basic housing. It's something we could look at in the future.

Alderman Adams: So do we have to have an ordinance to have a program?

Justine Middleton: I think you have to have an exception for the leash law.

Alderman Adams: Could you give us a guess on how many people call in about what they see as a feral cat problem? Is it a big problem that we need an ordinance for?

Justine Middleton: I think it is. There are probably a lot of people out there that don't call that have issues but don't want to bother picking up the phone. We trapped 250 feral cats last year so it's definitely something that we deal with commonly.

Alderman Adams: I know PITA does not support releasing cats into the wild after they have been altered. Can you tell me why you see this as humane when you alter the cat? Do you believe, through all the research that you have done, that that cat then has a better life? What does the word humane mean? Why do we think it is humane when organizations like that don't?

Justine Middleton: I have read studies that show that it lowers the stress level in a cat's life once they are spay or neutered. There are also people out there watching after the cats.

Alderman Tennant: What does PITA think is better?

Alderman Adams: I don't know. I am not a member.

Alderman Tennant: I am just thinking is it better to trap and kill the animal on the occasion that you could catch them or is it better to keep them from reproducing and then letting them live out their life?

Alderman Boudreaux: The Humane Society and the American Society for Prevention of Cruelty to Animals both endorse this. I would ask the same question, why doesn't PITA?

Justine Middleton: I honestly don't know but when we did our research they were not a group that factored into it. There are two sides to everything.

Terri Phelan, resident of Fayetteville expressed her concerns with the ordinance. She stated I am a cat person but I oppose this ordinance. You need to consider how roaming cats affect the wildlife and the domestic cat population. Roaming is my issue.

Alderman Adams: I am not going to be able to support this but I appreciate the comments so much. I don't want to support more laws when I feel we have existing problems with what we have. We are depending on an organization we have not met. I am bothered by this in many ways.

Alderman Petty: For me, the deciding factor is that we have a feral cat problem and current policies are not adequate. We could throw money at an eradication policy but the amount of money it would take to make it work would not have my support. They have an impact on wildlife. It has been shown that a trap, spay and neuter program reduces the impact.

Alderman Lewis: I too have great concerns for the amount of wildlife that is impacted. The system needs work in general but the fact is that we have a roaming cat problem. We have to minimize those numbers and this is one way. We need to enforce the existing ordinance. I will support this.

Alderman Ferrell: Whenever you decrease the multiplier, the product diminishes. I hope we will have less of a problem for everybody and the animals, and I will support this.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-2. Alderman Adams and Kinion voting no.

Ordinance 5529 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. *This ordinance was left on the First Reading at the September 18, 2012 City Council meeting.*

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

City Attorney Kit Williams read the ordinance.

Paul Becker, Finance Director gave a brief description of 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 Adams was absent during the vote.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5530 as Recorded in the office of the City Clerk

New Business:

Bid #12-60 Advance Tire, Inc.: A resolution to award Bid #12-60 to Advance Tire, Inc. for the purchase of four solid tire and wheel assemblies for the solid waste wheel loader in the total amount of \$21,100.00.

Alderman Ferrell stated I asked that this be removed from the Consent Agenda at Agenda Session due to the cost of the tires. I see no problem with this.

Don Marr gave a brief description of the resolution. These tires have a life of four years.

Alderman Lewis: What do we do with the old tires?

Don Marr: I do not know the answer to that but I can find out and email that to you.

A discussion followed on where they might go.

Alderman Ferrell moved to approve the resolution. Alderman Adams seconded the motion. Upon roll call the resolution passed 7-0. Alderman Petty was absent during the vote.

Resolution 195-12 as recorded in the office of the City Clerk.

Amend §97.086 Vending and Peddling: An ordinance to amend §97.086 Vending and Peddling of the Code of Fayetteville to expand the number of days per week that the Farmers' Market can operate at the Botanical Gardens.

City Attorney Kit Williams read the ordinance.

Connie Edmonston, Parks and Recreation Director gave a brief description of the ordinance. The Farmer's Market is asking to expand the days they operate at the Botanical Gardens.

Lori Boatright, member of the Farmer's Market Board of Directors spoke on the ordinance and explained why they are requesting the expansion.

Alderman Lewis: Didn't the market just get an award?

Lori Boatright: The downtown market won America's Favorite Farmer's Market for large market and the Botanical won third in small market.

Alderman Ferrell: What are the evening hours going to be?

Laurie Boatwright: 4:00 p.m. to 7:00 p.m. is what we are looking at right now.

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

City Attorney Kit Williams read the ordinance.

Alderman Boudreaux moved to suspend the rules and go to the third and final reading. Alderman Tennant seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Lewis: We are an internationally competitive market in our city and this is a big deal and I really appreciate it.

Alderman Tennant: Living in east Fayetteville I am thrilled that that is going to grow over there.

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

Ordinance 5531 as Recorded in the office of the City Clerk

REO Holdings 1, LLC: An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with REO Holdings 1, LLC in the amount of \$31,712.00 for the construction of an eight-inch water main near Bridgewater Lane.

City Attorney Kit Williams read the ordinance.

Chris Brown, City Engineer gave a brief description of the ordinance.

Alderman Lewis: I really don't want the public's tax dollars to go towards building something and then they go bankrupt and we have spent that money. In the event that that development does not happen I do not want us to have pipes to nowhere.

Chris Brown explained that this is a part of a lot split and that it could be several years before there is something built.

City Attorney Kit Williams: The upsizing is not for those two lots, they could be adequately served by a two inch main. It is for the future expansion of our water system for other land around there.

Alderman Tennant 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 Adams seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Petty: What is the City's benefit? I understand that the upsizing of the line would increase the capacity for future development in the planning area. If that development occurs they would have to pay for that upsizing at that time if we didn't do this now?

Chris Brown: If additional development occurred beyond this line?

Alderman Petty: The City Attorney said that a 2 inch line is all that is required for the lot split and so the upsizing is to benefit a future development. If we rejected this today isn't it the case that that future development would have to pay for this upsizing, not the City?

Chris Brown: If there were a future development off the end of this line and they wanted to extend the line and needed more water, that is a potential. The 2 inch line that is required to provide for these houses is adequate for residential service but the 8 inch line provides for fire protection and a much higher flow for additional subdivisions. Normally we require an 8 inch line throughout the City.

Alderman Petty: So if we were to turn this in today and a future development were to be proposed the City is within its power to say we are requiring you to provide an 8 inch line for fire flow and we are under no obligation to pay for it.

Chris Brown: Well because it's outside the City limits we do not provide fire protection so we don't require the fire flow. It's generally 2 inch lines that are required as part of those types of developments.

Alderman Lewis: If this is just for the lot split then there wouldn't be a cost share right?

City Attorney Kit Williams: The cost share would be our portion above what the 2 inch line is that they have to put in themselves. It's much more effective from a cost point of view to look at our entire system to upgrade now rather than wait in the future.

Alderman Ferrell explained his past experiences while working for a utility company and he pointed out that it is never going to be cheaper if we wait, because the cost of doing things today is going to be less than it is in the future.

Alderman Lewis: We can use our water and sewer as a way to determine where development happens. The best way to do that is to invest in existing infrastructure rather than going out further. We have lines in the City that we really need to invest in and so I hesitate when we invest outward.

Alderman Ferrell: We may want to divert our capital resources towards where we want it to go. Where we want is not what always happens so you have to look at the whole thing when you are talking about allocation of capital.

City Attorney Kit Williams clarified when the item would be heard if it were tabled.

Alderman Petty: The only reason I am asking these questions is because I want to draw a distinction between public and private investments. Anytime we have an opportunity to grow our infrastructure through private investment that is the direction we should take.

Alderman Gray moved to Table the ordinance to the October 16, 2012 City Council meeting. **Alderman Tennant** seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was left on the Third Reading and Tabled to the October 16, 2012 City Council meeting.

Neal Hefner Construction Company, Inc.: An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with Neal Hefner Construction Company, Inc. in the amount of \$41,072.69 for the construction of extra-wide sidewalk to accommodate a future trail extension.

City Attorney Kit Williams read the ordinance.

Chris Brown gave a brief description of the ordinance.

Alderman Ferrell moved to suspend the rules and go to the second reading. **Alderman Adams** 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 Adams** 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 5532 as Recorded in the office of the City Clerk

VAC 12-4198 (5439 Maywood Dr./Win): An ordinance approving VAC 12-4198 submitted by Alan Reid and Associates for property located at 5439 Maywood Drive to vacate a portion of a utility easement, a total of 477 square feet.

City Attorney Kit Williams read the ordinance.

Alan Reid, representing Dr. Win: The house encroaches the utility easement and we are asking that portion be vacated.

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

City Attorney Kit Williams read the ordinance.

Alderman Lewis: How does this happen?

Jeremy Pate: This property is not in the city limits and Washington County does not require building permits or inspections.

Alderman Lewis: Is that a right of way?

City Attorney Kit Williams: It's just the easement that was granted and all the utility companies had to sign off before they could get this.

Alan Reid: Maywood Drive is wider than the normal right of way you would find in the City. It is a 70 foot right of way. So you have 35 feet on his side of the center line which is designated as public street right of way.

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

City Attorney Kit Williams read the ordinance.

Alderman Lewis: I would advocate for a process in the county where there is a building permit process. This way people know this and citizens don't have to do this to have their house sold.

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

Ordinance 5533 as Recorded in the office of the City Clerk

VAC 12-4199 (2864 N. Prince William Dr./Cooper): An ordinance approving VAC 12-4199 submitted by Alan Reid and Associates for property located at 2864 North Prince William Drive to vacate a portion of a utility easement, a total of 9.26 square feet.

City Attorney Kit Williams read the ordinance.

Alan Reid, representing John Cooper stated the house was found to be in the utility easement when a survey was done.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5534 as Recorded in the office of the City Clerk

VAC 12-4205 (21st Amendment/Dickson St.): An ordinance approving VAC 12-4205 submitted by John Starnes, AIA for property located at 404 & 406 West Dickson Street to vacate a landscape easement, a total of 0.10 acres.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

John Starnes, Architect on the project stated the owner Zack Wooden and I are available for questions or comments.

Alderman Adams: Is this what we did at the Hog Haus? Is that the same sort of plan?

Jeremy Pate: I am not sure if we had to vacate an easement and get right of way. It's very likely that there is a right of way underneath that balcony. They had to follow the same building codes so it would have been the same construction procedures.

Alderman Adams: So any restaurant could do this?

Jeremy Pate: Sure.

City Attorney Kit Williams: They could request it.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Lewis: Are you going to put vegetation on the patio?

John Starnes: I am unsure at this point.

Zack Wooden: There will be some potted plants and stuff.

Alderman Tennant: I have never seen Dickson Street as alive and growing as it is right now and it's because of owners like you that are willing to invest in their business and partner with the City. I really appreciate it.

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

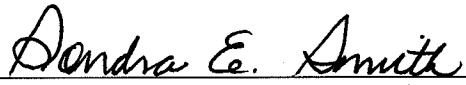
Ordinance 5535 as Recorded in the office of the City Clerk

Announcements:

Adjournment: 8:50 p.m.



Lioneld Jordan, Mayor



Sondra E. Smith, City Clerk/Treasurer