

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra E. Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Sarah Marsh
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Martin W. Schoppmeyer, Jr.
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Alan T. Long

**City of Fayetteville Arkansas
City Council Meeting Minutes
February 18, 2014**

A meeting of the Fayetteville City Council was held on February 18, 2014 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 Adella Gray, Sarah Marsh, Mark Kinion, Matthew Petty, Justin Tennant, Martin Schoppmeyer, Rhonda Adams, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items: None

Agenda Additions:

Alderman Long moved to add the following to the agenda: Amend §92.01 Definitions, §92.23 Impoundment and §92.24 Redemption of Animals. Alderman Adams seconded the motion. Upon roll call the motion passed unanimously.

The following item was added to the agenda to be heard after ADM 13-4331 Amend Chapters 151, 162, 163 and 164:

Amend §92.01 Definitions, §92.23 Impoundment and §92.24 Redemption of Animals: An ordinance to Amend §92.01 Definitions, §92.23 Impoundment and §92.24 Redemption of Animals of the Fayetteville Code to authorize the Animal Shelter to accept livestock and set the redemption fee for their release.

Alderman Long: I have an amendment to Chapter 92. It brings the ordinance on animals into alignment with the changes about urban agriculture and the other changes.

City Attorney Kit Williams read the ordinance.

Alderman Long spoke briefly about the amendment he is proposing for Chapter 92.

This ordinance was left on the First Reading

Consent:

Approval of the February 04, 2014 City Council meeting minutes.

Approved

McClelland Consulting Engineers, Inc. Task Order No. 10: A resolution to approve Task Order No. 10 with McClelland Consulting Engineers, Inc. in the amount of \$36,050.00 for project design and bidding services associated with the Terminal Apron Rehabilitation Project and to approve a budget adjustment of \$36,050.00.

Resolution 33-14 as recorded in the office of the City Clerk

Garver Engineers, LLC: A resolution approving a contract with Garver Engineers, LLC in an amount not to exceed \$352,879.00 for the design of Ruppel Road from Starry Night View to Mount Comfort Road, and to approve a budget adjustment of \$352,879.00.

Resolution 34-14 as recorded in the office of the City Clerk

Community Development Block Grant (CDBG) Agreement: A resolution authorizing the Mayor to execute the Community Development Block Grant (CDBG) Agreement for 2014 when received in the estimated amount of \$540,700.00 and approving the 2014 Action Plan.

Resolution 35-14 as recorded in the office of the City Clerk

Amend Resolution No. 07-14: A resolution amending Resolution No. 07-14 to change the awarding of Bid #14-04 for the purchase of hillside gravel from Leming & Son Trucking, Inc. to Les Rogers, Inc. for materials picked up in the amount of \$1.49 per ton and authorizing the use of other bidders based on price and availability as needed through the end of calendar year 2014.

Resolution 36-14 as recorded in the office of the City Clerk

Combs Park Tree Mitigation: A resolution approving a budget adjustment in the total amount of \$4,250.00 to transfer a tree escrow balance for the planting of mitigation trees in Combs Park.

Resolution 37-14 as recorded in the office of the City Clerk

2014 Keep America Beautiful/Dr. Pepper Snapple Group Grant: A resolution authorizing application for a 2014 Keep America Beautiful/Dr. Pepper Snapple Group grant in the amount of \$6,800.00.

Resolution 38-14 as recorded in the office of the City Clerk

Rotochopper Go – Bagger: A resolution approving a budget adjustment in the amount of \$18,500.00 to recognize revenue received from the auction and sale of Unit 479 - 2005 Rotochopper Go-Bagger 250.

Resolution 39-14 as recorded in the office of the City Clerk

Alderman Marsh moved to approve the Consent Agenda as read. Alderman Long seconded the motion. Upon roll call the motion passed unanimously.

Unfinished Business:

Amend Chapter 178: An ordinance to repeal §178.03 Sidewalk Vendors and enact a replacement §178.03 Sidewalk Vendors and Food Trucks and to repeal §178.04 Outdoor Mobile Vendors Located on Private Property and enact a replacement §178.04 Outdoor Mobile Vendors Located on Private Property. ***This ordinance was left on the First Reading at the November 19, 2013 City Council meeting and tabled to the December 17, 2013 City Council meeting. This ordinance was left on the First Reading at the December 17, 2013 City Council meeting and Tabled to the January 21, 2014 City Council meeting. This ordinance was left on the First Reading at the January 21, 2014 City Council meeting and Tabled to the February 18, 2014 City Council meeting.***

Peter Nierengarten, Director of Sustainability & Strategic Planning: This item is planning to be heard at the Ordinance Review Committee meeting on Thursday. Staff recommends this be tabled to the March 18, 2014 City Council meeting.

Alderman Long moved to table the ordinance to the March 18, 2014 City Council agenda. Alderman Petty seconded the motion. Upon roll call the motion to table passed unanimously.

This ordinance was tabled to the March 18, 2014 City Council agenda.

RZN 13-4538 (Razorback Road/Victory Commons): An ordinance rezoning that property described in rezoning petition RZN 13-4538, for approximately 5.09 acres, located at 731 S. Razorback Road from I-1, Heavy Commercial and Light Industrial, to UT, Urban Thoroughfare. ***This ordinance was left on the First Reading at the December 17, 2013 City Council meeting. This ordinance was left on the Second Reading at the January 7, 2014 City Council meeting and Tabled to the February 4, 2014 City Council meeting. This ordinance was left on the***

Second Reading at the February 5, 2014 City Council meeting and Tabled to the February 18, 2014 City Council meeting.

Jeremy Pate, Director of Development Services: The applicant has asked for this item to be tabled again.

Alderman Long: I am going to make a motion to table this indefinitely until the petitioner comes back. It has been on our agenda for quite some time now.

City Attorney Kit Williams: If it is tabled indefinitely, December 31st it automatically will be removed from the agenda.

Alderman Petty: I don't mind how we table it, but I want everyone to know that I spoke with the applicant this afternoon. He explained what had been going on and assured me this would be the last request to table it.

City Attorney Kit Williams: If you table it to the next meeting there won't be any issue about re-notification because it is a rezoning. You might want to table it for one more meeting and make sure the applicants shows up for that meeting.

Alderman Long: I am going to let my motion stand.

Alderman Petty: What are the notification requirements?

City Attorney Kit Williams: If it is tabled indefinitely, I don't know if there is any further re-notification. Normally you don't have to re-notify since it's been to the Planning Commission when it comes to the City Council. When you table something indefinitely, it is almost like dismissing it and saying it's not going to be heard. I am concerned that might trigger something that would require re-notification. Jeremy, how many times have you experienced this?

Jeremy Pate: We have not experienced it a lot. I don't believe there would be formal notification. Some of the concern is if someone is following the agenda it might pop up on an agenda whenever the applicant request it, so it's not really published until that tentative agenda comes out. That is the only downfall I see. We don't have any ordinance requirements to re-notify if something is tabled indefinitely.

Alderman Long moved to table the ordinance indefinitely. Alderman Adams seconded the motion. Upon roll call the motion to table indefinitely passed unanimously.

This ordinance was tabled indefinitely.

New Business:

Mt. Kessler Acquisition: A resolution to authorize Mayor Jordan to apply for and accept a 50/50 matching grant from the Walton Family Foundation in the amount of \$1,500,000.00, to use

this grant and \$1,600,000.00 out of reserves to purchase about 328 acres of Mt. Kessler from Chambers Bank and to build a trailhead, to approve a land swap with Chambers Bank, to support a parkland dedication of about 48 acres for future parkland credit and to approve the attached budget adjustment.

Jeremy Pate, Director of Development Services gave a brief description of the resolution. The ultimate goal is to promote stewardship of the land in a responsible manner and to preserve it for use by citizens in Northwest Arkansas. We are very interested in acquiring this important property for future generations. Support from the Walton Family Foundation is a pivotal element in doing so. We believe the addition of this property is a public asset and enhances the quality of life for residents. It provides a unique venue for healthy outdoor recreation and wellness activities in the form of nature trails for hiking, biking, for childhood to college education through environmental programs and for preservation of open space and protection of watershed and natural resources. Staff is recommending approval.

Alderman Gray: I appreciate what Jeremy has done and the Mayor encouraging him and all these folks out here who are really smart in seeing what we need to do for the City of Fayetteville. I am very excited.

Frank Sharp, Mt. Kessler Greenways: I would like to thank Chambers Bank for donating the 200 acres and then the 48 acres and being so cooperative during this transaction. The city has been a joy to work with over these past years. We would not be here if it was not for the Walton Family Foundation. We have five major benefits of Mt. Kessler, they are outdoor education, outdoor recreation, watershed protection, the protection of natural resources and economic.

Dana Smith, Fayetteville Public School Sustainability Coordinator spoke in favor of the resolution.

Alan Edmondson, Degree in Earth Science stated he is speaking on behalf of Dr. David Stahle who is the Director of the University of Arkansas Tree-Ring Laboratory. He spoke in favor of the resolution.

Guy Headland, National Park Service spoke in favor of the resolution.

Steve Schneider, Regional Director of the International Mountain Biking Association spoke in favor of the resolution.

John Coleman, Viridian Regional Office Manager spoke in favor of the resolution.

Frank Sharp: A year ago we put a trail log up and asked for people to write their zip codes down. We asked if they were a hiker, biker, runner or other. Even though the mountain bikers built the trails, 65% of our users are hikers.

Mike Lemaster, President of Ozark Highlands Trail Association spoke in favor of the resolution.

John Pennington, Executive Director of Beaver Watershed Alliance spoke in favor of the resolution.

Lauren Ray, Education Outreach Coordinator for the Illinois River Watershed Partnership spoke in favor of the resolution.

Stan Johnson, President of Johnson Mechanicals spoke in favor of the resolution.

Misty Murphy, Trails Coordinator for the Northwest Arkansas Council spoke in favor of the resolution.

Terri Lane, Executive Director of the Northwest Arkansas Land Trust spoke in favor of the resolution.

Bob Caulk, Fayetteville Natural Heritage Association spoke in favor of the resolution. He thanked Frank Sharp for his efforts.

Frank Sharp: I have enjoyed those mountains for many years and your action tonight will ensure that generations will enjoy it for years to come.

Alderman Kinion: I think we have heard good arguments to support this and we have received a lot of information.

Alderman Petty requested the Council and audience do an experiment that he has done over the years as a wilderness leader.

Alderman Tennant: I think we need to recognize what a great show of community is in this room. I would like to thank the staff. This was complicated and hard to put together. It happened because of a sense of partnership and togetherness that exist in this city. Thank you to Mr. Sharp and the Walton Family Foundation. This is an important moment in time and I am honored to be a part of it.

Alderman Marsh: Thank you to the Mayor, Council, Administration and all of our staff as well as our predecessors who have made very good financial decisions. This has put us in the position of being able to purchase this gem for the enjoyment of future generations.

Alderman Adams: I would like to thank the public and it has been wonderful to hear from you.

Mayor Jordan: There are a few moments in time that you get to do something historic. There are a few moments in your life that you feel like you have really accomplished something. Tonight is one of those nights for this city. This would not have happened without Frank Sharp. I always had in the back of my mind about preserving Mt. Kessler.

Thank you to Connie Edmonston, Alison Jumper, staff, Walton Family Foundation, Fayetteville Natural Heritage Association, University of Arkansas and Fayetteville Public Schools. I want to thank Jeremy Pate and Don Marr for working to make this a reality.

With the purchase of this 376 acres it will never be touched again. If this city last a thousand years or ten thousand years, I see future children walking that trail. Nobody is going to remember anybody's name, but they will appreciate city leadership that preserved this beautiful place. I am humbled. I am glad to be here and thankful to be not only the Mayor of this city, but to be a citizen of this city at this point and time.

Alderman Kinion moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 40-14 as recorded in the office of the City Clerk

Karcher North America, Inc.: A resolution to approve and certify the participation of Karcher North America, Inc. in the Arkansas Tax Back Program and to agree to authorize DF&A to refund city sales tax back to Karcher North America, Inc.

Jeremy Pate, Director of Development Services gave a brief description of the resolution.

Chung Tan, Fayetteville Chamber of Commerce: We are excited that we are a part of the team to help them move from Springdale to Fayetteville. They have not only bought the building, they have done some investment on their own without coming to the city or state for any support or incentive. This is the intermediate phase and they have come to us asking for the sales tax refund program.

We recommend the City Council vote yes to pass this request. This is about job creation and bringing new jobs to the City of Fayetteville. This company is not only hiring from the existing workforce pool, they are also providing training. In effect they are spending their money training citizens of Fayetteville with new skill sets that make them more marketable and employable.

Justin Smith, Arkansas Economic Development Commission gave an overview of the tax back program. He stated that Karcher North America falls within the eligible businesses category.

Ed Taylor, Operations Manager for Karcher North America gave an overview of the company. He stated they are one of the world's leading producers of floor cleaning equipment and pressure washers. He stated that Karcher North America is continuing to grow.

Alderman Marsh: I am happy that the company has purchased the facility in Fayetteville and is expanding the workforce. Why does a company with over \$2.8 trillion in annual revenue need a handout from the citizens of Fayetteville?

Ed Taylor: I'm not sure where you got the \$2.8 trillion from. We just hit the 2 billion mark this year worldwide. We are not looking for a handout. Everything we get back will be reinvested into the facility. We have another \$400,000 we are investing this year into the building. One of the biggest things we are doing is investing into our people.

Alderman Kinion: Mr. Taylor, I appreciate the work you are doing to develop the economic basis in our industrial area. I do not see this as a handout. I see it as a very wise investment. When you look at the industrial base in the specific part of town that you are at, we saw vacancies and a struggle associated with the economic development of the area. It is important that we let industry and business leaders know that the City of Fayetteville is very serious about developing a broad and diverse economic environment. Everyone is not headed to higher education. We must keep technical skills and training available to this broad base here in Northwest Arkansas.

Alderman Marsh: I want to clarify that these jobs pay \$11.15 an hour, is that correct?

Ed Taylor: We have one position that will be \$15.00 to \$16.00 an hour, seven positions are \$12.35 an hour. The two sales positions are salary and are \$40,000 to \$55,000 a year. The training position will be a salary position and I figure it will be close to the \$40,000 range.

Alderman Marsh: That sounds better. I would like to point out that MIT has done some studies on what constitutes a living wage in our area. One adult with one child, a living wage in Fayetteville is \$16.85 an hour and anything less than that is really hard to get by on. That is not someone who has a lot of economic buying power in our community. We only have 4.9% unemployment in our region, but one in four people are food insecure. This is the working poor. I have a hard time for us incentivizing this type of supplement, which is kind of like corporate welfare.

Ed Taylor: I can agree with that. Our median salary range is \$16.50 and most of these are entry level positions. In addition, Karcher offers excellent benefits that are pretty much unmatched of any company that I have been involved with. Karcher pays 90% of health benefits and the employee pays 10%.

Alderman Marsh: If it's \$16.50, then I will support this.

Alderman Long: I appreciate your economic investment in Fayetteville. I appreciate the jobs.

Alderman Marsh: We have made a lot of other investments in the district. This isn't just about this business. We have added sidewalks, street lighting, and approved funding to expand our multi-use trail to the area. We have commissioned a comprehensive transportation plan to deliver reliable transportation for the workforce there.

Chung Tan: Thank you to Mayor Jordan and the City Council for working so tirelessly to make the City of Fayetteville a very attractive place and to make it a lot easier for us to get businesses to stay in Fayetteville.

Alderman Gray: I support you and your huge investment in the City of Fayetteville. We greatly appreciate it. The more people who go to work every day, the better life is in Fayetteville.

Alderman Tennant: To hear this called or compared to corporate welfare is absurd. It is offensive to you and your company. I want to apologize on behalf of myself that you had to hear

it. Thank you Mr. Taylor for coming and you did a great job. I want to thank Karcher. They have invested in Fayetteville by taking this property and reviving it. You are reinvesting in our city through jobs and expansion. It will add to the growth of our city and success for years. I am thrilled that we can partner with such a successful company.

Alderman Adams: Thank you and good job. I appreciate you.

Alderman Long moved to approve the resolution. Alderman Gray seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 41-14 as recorded in the office of the City Clerk

ADM 13-4331 Amend Chapters 151, 162, 163 and 164: An ordinance to amend §164.10 Garage and/or Agricultural and Produce Sales; §161.10 (X) Unit 24 Home Occupation; §163.08 Home Occupations and §164.04 Urban Agriculture (fowl, bees, and goats) of the Unified Development Code.

City Attorney Kit Williams read the ordinance.

Peter Nierengarten, Director of Sustainability & Strategic Planning gave a brief description of the ordinance.

Alderman Kinion: Peter, you're saying the green dots are lots large enough to have the goats on?

Peter Nierengarten: They are single family, residential lots.

Alderman Kinion: It looks like Wilson Park is going to be a great center of Urban Agriculture. I'm surprised that we had that many lots.

Peter Nierengarten: 10,000 square feet is roughly a quarter acre lot.

Alderman Kinion: Somehow I didn't put that together between North Street and Maple. That's a lot of opportunity.

Alderman Tennant: Peter, thanks so much for you efforts on this and a lot of other things. I consider you an expert on this and I appreciate you dealing with my questions. Why do you think subdivisions have covenants against things like this?

Peter Nierengarten: I think there's been a stigma developed. Some of it probably is or was founded when folks began to move in large numbers into cities and brought farm animals with them, I'd say 50 or 80 years ago. Those animals were in residential settings like this but there weren't proper rules in place. Subdivision covenants were perhaps a backlash in reaction to that. Some subdivision covenants began as ways of not just excluding farm animals, but also started as a reaction to integration as a way of excluding people with certain skin color. It was probably

also a way of trying to create uniformity and consistency in appearance. I've never lived in a subdivision that's had covenants so I don't have a lot of personal experience with it.

Alderman Tennant: I appreciate that. I don't necessarily think there's an exact right or wrong reason that covenants exist. I spoke with five Ward 3 POA managers. I told them this is hopefully our first reading and we will have many more weeks now because they didn't really know the details. The first thing they said was property values are why you have covenants. I do have a question about conditional use permits. I want to be clear on this for more permanent sales of food out of a house. If someone wanted to do that, they would go in front of planning and get a conditional use for more permanent type selling in front of their house.

Peter Nierengarten: That is correct. They would get a conditional use for a home occupation.

Alderman Tennant: Tell me again about the signage part.

Jeremy Pate: If it's the same as the existing home occupations, if you're an accountant or someone who wants to run a business out of your home, you have to get a home occupation permit. I think you are allowed one non-illuminated three square foot sign on the wall.

Peter Nierengarten: On the wall or in the window.

A discussion followed on the type of signs allowed in certain zoning districts.

Alderman Tennant: Thank you for that clarification about goats and lot size and the examples you used. I appreciate you bringing some examples from other cities and what they are doing. I saw only one city with a three goat max which is what you're proposing. Why did you choose three?

Peter Nierengarten: There's actually three cities at the top that have no max. We originally started with six and that was brought to the four wards. In conversations with the Mayor and after presenting proposed changes at the ward meetings, we settled on three. We felt like it was a reasonable number.

Alderman Tennant: There's nothing in this that forces someone that has urban agriculture in their backyard to have any certain type of fence.

Peter Nierengarten: The statement simply states they must have a secure fence. The rationale behind saying secure and not say it has to be four or five foot tall is that one goat might be able to jump a five foot fence and another goat may be able to jump at seven foot fence. If we simply stated that they had to have a secure fence and the goat got out then it's on the property owner because they did not have a fence that was adequately able to secure that animal.

Alderman Tennant: That would be interpreted by you and your team, and if something were to be proven to be ineffective, then the homeowner would be responsible for fortifying the fence. There's a lot of people concerned that we are going to possibly approve this or some part of this and people with rental properties are going to assume they can do this.

Peter Nierengarten: There's nothing in here to prevent a renter of a single family home from exercising what is in here.

Alderman Tennant: With permission of the land owner.

Peter Nierengarten: That would be between them.

Alderman Long: First, I want to thank Peter too. You've been very informative. I am supportive of this. I do have some questions that I want us to think about. What do we do with the un-micro chipped goats? If one gets out we don't have an animal control vehicle that they will fit in. On the bees, people are worried about having bees on smaller lots in close proximity to their homes. On the section where it says a lot as small as 8,000 square feet could have three hives, whereas a lot of 8,000 square feet they can have zero goats. I want to see those two match more closely. I'd like to see on a lot of 8,000 square feet have no hives and when it gets to 10,900 square feet be able to see bees. On fence, I want to make sure we make it very clear that we're not talking about electric fencing that's underground and you can't see. They aren't actual legal in the City of Fayetteville.

When we talk about neighborhood covenants and that they protect people that live in areas with covenants, my question is do they? Do neighborhoods leave out the part about livestock because the city already has it ruled out as something illegal? A question I was asked the other day was why do we live in the city and not the county if we are going to have livestock? I want us to approach this very carefully.

Alderman Marsh: I want to clarify, you keep saying single family residential. I'll use myself as an example. I have a large lot in south Fayetteville that's zoned RMF-25. Could I have livestock?

Peter Nierengarten: That's a great question. The way it is worded talks about the use of the property not the zoning of the property. I also live in a single family home on a RMF-24 property and we would both be allowed, based on our lot size, the number of animals the ordinance describes.

Alderman Marsh: Thank you for all your work. I think it's fantastic. The only thing I have concerns with is the setback on the bees with an unfenced yard may be too large. You are prohibiting bees in a lot of areas that would probably do fine as long as there was signage.

Peter Nierengarten: I received a call today from Jim Pickett with the Northwest Arkansas Bee Owners Association who expressed a similar concern to yours. He characterized the setback as not being realistic.

Alderman Adams: I have a question about enforcement. When a resident feels that something is not being taken care of properly they are going to call and ask for some staff member to come out and inspect this. Do we know exactly what the plan is going to be for enforcement?

Jeremy Pate: If it's an animal welfare situation, it would be our Animal Services Division.

Alderman Adams: Who do they call for the enforcement of removal of signs?

Kit Williams: I think you are actually talking about garage and agricultural floater sales. Those are the ones that allow three off-site signs.

Alderman Adams: I guess I should ask, does this allow for off premise signs?

Kit Williams: The code already did and now they are simply including within the garage sale code this new agricultural and produce sales. If someone wants to expand their garage sale and sell produce that they have produced then they are treated the same as if it were a garage sale.

Alderman Adams: The complaints by folks about signs being left out too long come to your office, Peter?

Kit Williams: Correct and that happens right now.

Alderman Adams: Do we need more staff to handle this? I don't know the volume we are talking about or what you're predicting.

Peter Nierengarten: Charlottesville of approximately 40,000, which is a little smaller than Fayetteville, has three families with goats. Fort Collins, Colorado, which has about 145,000 people, has one family in the process of permitting goats.

Alderman Adams: Thank you for all your work. The comments that I've heard have been more about enforcement and what to do if there is a problem or conflict with a neighbor. I am concerned about staffing and not doing more than we can handle.

Jeremy Pate: Yolanda Fields is here, she might be able to speak to this more. We do have farm animal type calls currently. Our policy is to return them to the premise because we do not have a place to impound them.

Don Marr: Most of our calls today are responding to domestic pets. This doesn't come without some investment in training. This is not a statement on this ordinance, but a statement just in general on Council policy changes. You are going to see it in our Council agenda memo where it used to say budget impact, we are changing it to say budget and staff impact. Many times, any one single item is not necessarily a huge issue, it's the collective passage of these things. If you pass this you can expect to see a budget adjustment come forward to get the tools for staff to be successful to handle the ordinance.

Alderman Adams: Don, that was right to my point and I thank you. I want us to have the tools, but I also want us to have the head count.

Don Marr: I'm going to tell you Councilmember Adams, that doesn't just relate to this ordinance. We get those calls today where someone wants us to respond at two in the morning to

an animal that they see running loose. We have certain protocols because we only have a certain amount of designated staff and approved overtime.

Alderman Adams: I think you are handling all that very well and I want to make sure nothing I said indicates otherwise. I just want us to be cautious about adding something that would add stress or diminish the services our citizens are receiving.

Don Marr: I want to reiterate a point that Peter made. There hasn't been a single city that he's shared information about to us that we've seen this massive influx of bees, goats and chickens come into play. These are ordinances that have been in effect for multiple years.

Yolanda Fields: I guess all the questions have been answered?

Alderman Adams: I would appreciate hearing you speak to how you feel your staffing needs are right now. Are you in good shape to take this on?

Yolanda Fields: Since we don't have any idea of what the true number is going to be, I have to say that at this point, yes. The only thing we are lacking would be a way to transport if we are not able to locate where a specific goat actually belongs. Nor do we have anywhere to house them at this point in time. We would also be looking at a modification for feeding. That part of it we can't really tell.

Alderman Petty: Why wouldn't our current impoundment truck be capable of holding a goat?

Yolanda Fields: A goat of that size might fit but it would be inhumane. A dog that you would put in the size crate that we currently have would pretty much sit still. A goat is going to be a little more active and is a little bit harder to maneuver into that type of containment.

Alderman Petty: So it's the issue of attitude not size?

Yolanda Fields: Exactly. It would be inhumane to put them in that size kennel because they are going to move and are stronger.

Alderman Petty: You don't think we'd have the same issue with a horse trailer?

Yolanda Fields: I don't think so because if they are walking into it they have more space and might not be as frightened.

Alderman Long: Our staff and volunteers do an excellent job at the shelter. They do a lot of work walking animals and cleaning kennels. How would we handle goats? Would the volunteers be trained or would it just be staff time?

Yolanda Fields: At this point we would want staff working with the animals because we don't know how they will react and we don't want anyone getting hurt.

Alderman Marsh: Will this enable us to use goats for land management at the city level?

Peter Nierengarten: In section ten on goats nothing in this section will restrict goats from being used on educational properties, and additionally goats can be used for a maximum of two weeks with a purpose of land clearing and vegetation removal.

Joyce Hale, a citizen, spoke in favor of the ordinance.

Don Bennett founder and director of Tri Cycle Farms spoke in favor of the ordinance.

Quin Montana, board member of Low Food Chapter spoke in favor of this ordinance.

Dana Smith, Ward 3 Resident and Sustainability Coordinator for Fayetteville Public Schools spoke in favor of the ordinance.

Alderman Tennant: You said you live in Ward 3. Do you live in a neighborhood with covenants?

Dana Smith: That's a good question that I don't know the answer too. When we bought our house I asked our realtor if there were any covenants. We were told no there were not. I'm under the impression that we are under a community that is not covenants.

Melissa Taylor, resident of South Fayetteville: Another answer to your question as to why there are covenants in some newer subdivisions, maybe it's a case in some instances subdivisions were built to existing farms as opposed to the other way around.

Alderman Kinion: I have received a lot of comments on both sides of this. As we move forward, I hope people look at this as opportunities instead of nuisances. We already have a lot of controls here in the City to handle nuisances. We have animal control and noise ordinances. Much of the discussion tonight was on handling concerns that are valid. We haven't really talked about opportunities until the last couple of speakers. I have a sense of community with my neighbors when they go on vacation because I get to harvest out of their garden. You develop an easier understanding of your neighbors if you understand what their values and beliefs are. We are a city that is known for diversity.

Alderman Gray: We have talked about this at Ward 1 meetings and had many positive comments. We had only one negative. I was pleased to know that Ward 1 is supportive of this whole ordinance.

Alderman Petty: I would like to thank staff for the hard work they have put into this. I'm appreciative that we are going to take some time with this and let it go through all three readings. Even though I support this, I understand why the questions are being asked. Most kindergartners today don't know what a tomato looks like or what cauliflower is. A lot of re-education needs to be done. I want us to rely on the facts as we go forward. This ordinance as it is before us is the middle way. There is nothing radical about this ordinance.

There is a tendency in government, whether as staff or elected officials to try and be arbiters of every kind of dispute that we can imagine. I don't think that attitude is helpful in general or productive in this case. We should rely on the facts. A lot of these issues are questions coming from people who don't know. We have become so far removed from our food. Peter, you had looked at a couple different examples of covenants in the city. How many examples?

Peter Nierengarten: Six or seven.

Alderman Petty: Most of them had prohibition against live stock?

Peter Nierengarten: All the ones I looked at did.

Alderman Petty: How did you pick and choose?

Peter Nierengarten: It was the ones that we were able to find through the county.

Alderman Petty: I ask because I think that is representative. It used to be that you wanted a golf course for sub-division development. It meant the property was valuable. People buy the land because of the view. The people who have started to look at that phenomenon have discovered they get the exact same kind of benefit to real estate values for properties next to farms.

Alderman Marsh: Covenants came about as people were trying to banish markers of poverty and appear to be more civilized. Chickens were seen as relics of when people were poor and they couldn't afford to go to the store and buy things. They see poor as being shameful, but for many people in this community being poor is a reality. I am food insecure. I make \$11.00 an hour, which is why I get so upset at these companies wanting to come in and pay below a living wage. I have a college degree and there are a lot of people in this community in this same boat. Thankfully, I've lived in a place where I can have a garden. We need to approach this with a spirit of generosity.

This ordinance was left on the First Reading

Teeco Safety, Inc.: An ordinance waiving the requirements of formal competitive bidding and approving a contract with Teeco Safety, Inc. in the amount of \$192,344.50 for the purchase of taser products.

City Attorney Kit Williams read the ordinance.

Greg Tabor, Chief of Police gave a brief description of the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Long 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 during the vote.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5662 as Recorded in the office of the City Clerk

Kum & Go, L.C. Agreement: A resolution to approve the fourth amendment to land sale agreement with Kum & Go, L.C. to extend the closing date to no later than April 21, 2014 and to agree to equally share the City's portion of the costs of a dedicated left turn lane.

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

City Attorney Kit Williams: I want to thank Chris for his hard work with the Highway Department to get them to cost share. This traffic signal and new road will be very beneficial to the neighborhood.

Alderman Gray moved to approve the resolution. Alderman Tennant seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 42-14 as recorded in the office of the City Clerk

Reappropriating Bonded, On-Going Capital Projects and Containing Obligations: A resolution to amend the 2014 adopted budget by reappropriating \$75,497,000.00 in bonded or ongoing capital projects, outstanding obligations and grant funded items.

Paul Becker, Financial Director gave a brief description of the resolution.

Alderman Kinion: This was reviewed by the Water, Sewer & Solid Waste Committee. It was approved to bring forward.

Alderman Gray moved to approve the resolution. Alderman Adams seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 43-14 as recorded in the office of the City Clerk

RZN 13-4536 (4310 Martin Luther King Blvd./Edwards): An ordinance rezoning that property described in rezoning petition RZN 13-4536, for approximately 0.74 acres located on

the north side of west Martin Luther King Boulevard near the border of Farmington from R-A, Residential Agricultural to CS, Community Services.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Planning Commission recommended 6-0 in favor of this request. Staff is recommending approval.

Alderman Adams: There were residents who had some problems with water rushing through their yards and the creek taking their yards down with erosion. So you feel confident that developing this and leaving the back space is not going to add any more damage to those homes.

Jeremy Pate: It actually impedes access during high water events to developments on the north side of this creek.

A discussion followed about the efforts to keep development away from the creek.

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

City Attorney Kit Williams read the ordinance.

Alderman Gray moved to suspend the rules and go to the third and final reading. **Alderman Marsh** 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 5663 as Recorded in the office of the City Clerk

ADM 13-4603: (UDC Amendment Chapter 161, Use Unit 44, Cottage Housing Development): An ordinance to amend Chapter 161 of the Unified Development Code to authorize Cottage Housing Development (UU-44) into zoning districts in which it was originally approved by Ordinance No. 5462.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Gray moved to suspend the rules and go to the third and final reading. **Alderman Marsh** 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 5664 as Recorded in the office of the City Clerk

City Council Agenda Session Presentations: None

City Council Tour: None

Announcements:

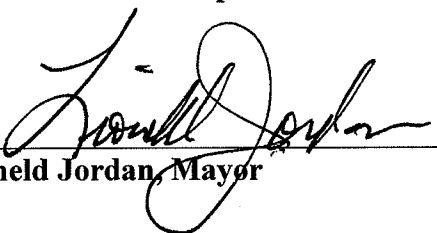
Alderman Gray: We have about a week and a half to go for receiving applications for our Boards and Commissions in the clerk's office. We only have nine applicants for 14 positions. I hope our citizens will look at our vacancies. If you find something that interest you, please turn your application into the clerk's office by the deadline of February 28, 2014 by 5:00 p.m.

Alderman Long: This coming Monday on February 24, 2014 will be a Ward 4 meeting in Room 111 at 6:00 p.m.

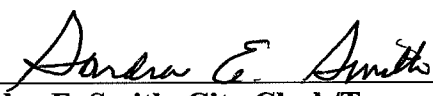
Alderman Marsh: I would like to invite everyone to join us this Thursday, February 20, 2014. We will plant our first community orchard at the Yvonne Richardson Community Center at 1:00 p.m.

Alderman Long: Ordinance Review Committee will meet this Thursday, Room 219 at 5:30 p.m. for the mobile food truck vendors.

Adjournment: 9:45 p.m.



Lioneld Jordan, Mayor



Sondra E. Smith, City Clerk/Treasurer