Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra E. Smith

Fayetteville
ARKANSAS

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
March 18, 2014

A meeting of the Fayetteville City Council was held on March 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:

Purple Heart City Proclamation by Mayor Jordan and presentation to the City by the Military Order of the Purple Heart

Mayor Jordan read the Purple Heart Proclamation. He stated the City of Fayetteville wishes to pledge its strong support to the Military Order of the Purple Heart and for those who put their lives at risk in service of their country and their fellow citizens.

Commander Jose J. Martinez, Department of the Arkansas Military Order of the Purple Heart thanked and recognized the City of Fayetteville for the support that is given to veterans of the state and city.

Mayor Jordan recognized University of Arkansas students from Ray Minor and Gina Skelton's News One classes.

City Council Meeting Presentations, Reports and Discussion Items: None

Nominating Committee Report

Alderman Gray recognized Alderman Justin Tennant as the newly elected Nominating Committee Chair.

Alderman Tennant read the Nominating Committee Report and recommended the appointments as submitted.

A copy of the report is attached.

Alderman Long moved to approve the Nominating Committee report. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

Agenda Additions: None

Consent:

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

Approved

2013 Internet Crimes Against Children Task Force Program Grant: A resolution to authorize acceptance of a non-matching continuation subgrant for 2013 from the Internet Crimes Against Children Task Force Program Grant in the amount of $13,507.53, and to approve a budget adjustment.

Resolution 58-14 as recorded in the office of the City Clerk

Gulf Coast High Intensity Drug Trafficking Area: A resolution to approve a budget adjustment in the amount of $115,952.00 recognizing revenue from the Office of National Drug Control Policy Gulf Coast High Intensity Drug Trafficking Area.

Resolution 59-14 as recorded in the office of the City Clerk

State Drug Crime Enforcement and Prosecution Fund Grant: A resolution to approve a $56,250.00 grant from the State Drug Crime Enforcement and Prosecution Fund to be matched by $14,062.50 from City funds to be used by the 4th Judicial District Drug Task Force, and to approve a budget adjustment.

Resolution 60-14 as recorded in the office of the City Clerk

Insituform Technologies, Inc.: A resolution to approve a contract extension with Insituform Technologies, Inc. in an amount not to exceed $330,000.00 for sanitary sewer lining services for cured-in-place sanitary sewer linings.

Resolution 61-14 as recorded in the office of the City Clerk

Arkansas State Highway Commission: A resolution authorizing the sale of approximately 4.28 acres of right-of-way and a temporary construction easement to the Arkansas State Highway Commission for the total amount of $15,050.00 to facilitate the replacement of the Highway 16 bridge across the Middle Fork of the White River.

Resolution 62-14 as recorded in the office of the City Clerk

Arkansas State Highway and Transportation Department: A resolution to approve the payment of $580,000.00 to the Arkansas State Highway and Transportation Department representing the City's portion of construction costs related to the widening of Razorback Road, to approve a project contingency in the amount of $50,000.00, and to approve a budget adjustment.

Resolution 63-14 as recorded in the office of the City Clerk

Fayetteville Alert System: A resolution to approve a budget adjustment in the amount of $66,500.00 to provide funding for a marketing and communication campaign for the Fayetteville Alert System.

Resolution 64-14 as recorded in the office of the City Clerk

Sourcegas Arkansas, Inc.: A resolution to approve a cost-share utility work agreement with Sourcegas Arkansas, Inc. in the amount of $72,277.19 for the relocation of gas mains and facilities necessary for the Van Asche Drive Project, and to approve a project contingency of $14,455.00.

Resolution 65-14 as recorded in the office of the City Clerk

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

Unfinished Business:

Amend Chapter 178: An ordinance to repeal §178.04 Outdoor Mobile Vendors Located on Private Property and enact a replacement §178.04 Outdoor Mobile Vendors Located on Private Property, to enact §178.05 Food Truck Limited Time Permit, to change the section number of Transient Merchants from §178.05 to §178.06 and to amend §97.086 Vending and Peddling. ***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. This***

ordinance was left on the First Reading at the February 18, 2014 City Council meeting and Tabled to the March 18, 2014 City Council meeting.

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

City Attorney Kit Williams read the ordinance.

Alderman Petty moved to amend the ordinance as recommended by the Ordinance Review Committee. Alderman Marsh seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the amended ordinance.

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

Suzanne Clark, Lawyer for the Yacht Club: I want to thank the Ordinance Review Committee, Council and Planning for the work that has gone into the revisions of this ordinance. I want to raise as a caution, the introduction of the language regarding the Americans with Disabilities Act. I think the language is superfluous, but the language itself is not problematic. My client is telling me it's being interpreted to imply that these trailers can't allow the public in, unless they are fully equipped with ramps and able to navigate wheelchairs inside. I ask that our City Attorney discuss with Planning staff some of the exceptions within ADA and why we should be able to allow public in the trailers.

City Attorney Kit Williams: My understanding with this is that they must comply with the ADA. The ADA has many different sections within it. There are reasonable commendations and there are things not required. Planning understands that and hopefully we will make sure we won't have any mistakes on that.

Cynthia Morris, Landlord of the Yacht Club thanked everyone for their time and effort on the ordinance.

Alderman Petty: I would like to thank Alderman Long for chairing our Ordinance Review Committee meetings. We got a lot of work done in those meetings and made this ordinance a lot better.

Alderman Petty moved to suspend the rules and go to the third and final reading. Alderman Long 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 5666 as Recorded in the office of the City Clerk

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. This ordinance was Tabled Indefinitely at the February 18, 2014 City Council meeting.***

Alderman Tennant moved to remove the ordinance from the table. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Planning Commission voted 8-0 for approval and staff is recommending approval of this rezoning request.

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

City Attorney Kit Williams read the ordinance.

Tracy Hoskins, Applicant: This is a project that was before you previously and I had a few things that needed to be worked out.

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

Ordinance 5667 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. ***This ordinance was left on the First Reading at the February 18, 2014 City Council meeting. This ordinance was left on the Third Reading at the March 4, 2014 City Council meeting and Tabled to the March 18, 2014 City Council meeting.***

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

Jeffrey Huber, Ward 4 resident spoke in favor of the ordinance. He stated the opportunity with this ordinance is for greater food production that is appropriately scaled to the city. He stated development supported agriculture focuses on establishing a sustainable model of land use that preserves farming culture, agriculture land, food security as well as resiliency. He believes it encourages a new generation of farmers.

Suzanne Clark, Ward 1 resident spoke in opposition of the ordinance. She stated she lives by a golf course and believes that if twenty chickens and three goats were next door to her, it would be detrimental to her property value. She stated her issue is in regards to the property rights of people who do not have restricted covenants in their neighborhood and to be able to use their property as they expected when they purchased it. She stated if a property owner has a legitimate concern about their property interest, there should be an opportunity for objection if it is going into the neighborhood.

Alderman Adams: Could you tell us how that would work.

Suzanne Clark: Anyone who is going to be putting animals in their backyard should request a permit through Planning.

Tracy Hoskins, stated he had an issue with the number of animals you can have based on the size of the lot, due to the definition of the ordinance, it can create overpopulation.

Jerry Bailey, spoke in favor of the ordinance.

Marietta Camillieri spoke in favor of the ordinance.

Adrienne Shaunfield, Ward 3 resident and Director of Feed Fayetteville spoke in favor of the ordinance.

Alderman Tennant: My concern about this having an effect on hunger is based purely on participation. If this does pass tonight, I hope there is high participation and adds to the solution rather than create a problem.

Mayor Jordan: Where is Washington County in food insecurity in the state?

Adrienne Shaunfield: We are number three in the state after Benton County.

Don Bennett, Founder & Director of Tri Cycle Farms spoke in favor of the ordinance. He read a letter from Jody Cohen, President of the Board of Tri Cycle Farms and a real estate agent who is in favor of the ordinance.

Quinn Montana spoke in favor of the ordinance.

Sarah Lewis, Managing Director of Research and Integration at the Sustainability Consortium spoke in favor of the ordinance. She stated it enables people to support green infrastructure and to educate our community.

Alderman Marsh read an article called, Plant your own "victory garden" from the Arkansas Living magazine. She stated urban agriculture gives many people the opportunity to eat better than they might otherwise be able to afford too.

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

Ordinance 5668 as Recorded in the office of the City Clerk

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. ***This ordinance was left on the First Reading at the February 18, 2014 City Council meeting. This ordinance was left on the Second Reading at the March 04, 2014 City Council meeting.***

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Long seconded the motion. Upon roll call the motion passed 7-0. Alderman Marsh was absent during the vote.

City Attorney Kit Williams read the ordinance.

Alderman Long: Now that we have passed the Urban Agriculture ordinance, it is very important to enact this so that our Animal Shelter can accept these animals as well.

Alderman Kinion: Of course we have to pass this, but we need to be aware there is going to be a cost enforcing this. We will have to have additional ways to take the livestock into the Animal Shelter. We will have to make sure the Animal Shelter has the capacity in order to humanely keep these animals that may be impounded.

Alderman Gray: Alderman Long, do you have an estimate of what it is going to cost?

Alderman Long: No, I don't. I have spoken extensively with Planning, Yolanda Fields, Director of the Animal Services Division and Justine Middleton, the Animal Services Superintendent. They will probably need a trailer because the current method of catching a dog or cat would not work for a goat.

Jeremy Pate: The two primary things we have discussed, with goats being the primary concern, are transportation cost and potentially a separate pen at the shelter. We have some ballpark cost, but we would like to see what the impact is before we go purchase a lot. We think we have temporary measures in place now. We will monitor and keep track of calls.

Alderman Gray: There are many dogs that are much bigger than an 80 pound goat. I am glad to hear that we are going to monitor things and see what we need.

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

Ordinance 5669 as Recorded in the office of the City Clerk

New Business:

Northwest Arkansas Regional Planning Commission Contract: An ordinance waiving the requirements of formal competitive bidding and approving a one-year contract with the Northwest Arkansas Regional Planning Commission in the amount of $46,766.73 for a Stormwater Education Program.

City Attorney Kit Williams read the ordinance.

Chris Brown, City Engineer gave a brief description of the ordinance and is recommending approval.

Alderman Kinion: This has traditionally been supported by the Water, Sewer & Solid Waste Committee.

Aubrey Shepherd: In addition to spending this money for professional guidance in educating the public, we need to do more on the Government Channel. We need to educate developers.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5670 as Recorded in the office of the City Clerk

U.S. Geological Survey: An ordinance waiving the requirements of formal competitive bidding and approving an agreement with the U.S. Geological Survey (U.S. Department of the Interior) in the amount of $21,528.00 for the operation and maintenance of three (3) urban stream gauging stations in the City for calendar year 2014.

City Attorney Kit Williams read the ordinance.

Chris Brown, City Engineer gave a brief description of the ordinance and is recommending approval.

Alderman Kinion: The Water, Sewer & Solid Waste Committee supports this.

Alderman Gray 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 Gray moved to suspend the rules and go to the third and final reading. Alderman Long 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 5671 as Recorded in the office of the City Clerk

Rupple Road Cross Section: A resolution to reaffirm the cross section of Rupple Road from Martin Luther King Boulevard to Wedington Drive as a four lane boulevard.

Chris Brown, City Engineer gave a brief description of the resolution. He stated Rupple Road is designated as a principal arterial four lane roadway on the city's Master Street Plan and on the Regional Plan. He stated the voters approved the Transportation Bond issue with Rupple Road included as a four lane boulevard cross section. He stated funding for the four lane is in place and is part of the bond program and is budgeted now. He stated staff is recommending approval of the resolution.

Alderman Long: Thank you Chris. I know you and your staff have done a lot of work on this and the Council before us. I appreciate all the data you put together for us to help make a decision. I believe in building it right the first time. Since this was put to a special election in 2006 and we held meetings to explain it to the public, the intention was clear.

Alderman Kinion: When was the last approval of the Master Street Plan?

Jeremy Pate: I believe it may have started in 2011 and actually adopted it in 2012.

Alderman Kinion: In 2012 I was on the Council and we discussed this as it is presented today in the Master Street Plan. There was a great deal of discussion at that time. In 2013 is when we got the federal aid project for the northern end of this.

Alderman Marsh: Chris, do you have a slide that shows us the enduring green network overlay? A large part of this project bisects our enduring green network.

Chris Brown: We don't have that, but we could possibly pull it up.

Alderman Marsh: I know that Peter Nierengarten had put one together that we used for our discussion at the Environmental Action Committee meeting. It is an important part of this discussion since our enduring green network is goal number four on our 2030 City Plan.

Alderman Marsh read recommendations for Environmental Best Practices for the road extension that was developed at the Environmental Action Committee meeting. She stated that City Clerk Sondra Smith forwarded a copy of the recommendations to the City Council.

Alderman Petty: I appreciate the history of this project. I have always tried to be thoughtful of our future and I am passionate about my service here. People sometimes have this simple mental model of politics where they want to think one side is being pitted against another. I know that some of that has come out in this discussion. This project has been so important to Mayor Jordan. I want everyone to know that I have the upmost respect for Mayor Jordan.

Mayor Jordan: Thank you Matthew.

Alderman Petty gave a presentation on how he believes that the bond issue funding would be more beneficial to be used on College Avenue.

Alderman Gray: I called Chris today to find out exactly how much money we had set aside for College at this time. I'm assuming that it is the $2.1 million that has been talked about.

Mayor Jordan: Let me explain College. We had the proposal for the bond program. We did the first phase of College and it was in the bond program. Everything else was outside the bond program, any other extensions to College. In 2006 I was the Ward 4 representative and everybody wanted something. Folks wanted Cato Springs Road and Highway 265 done. Rupple Road was the most expensive piece and we had many public meetings. There are three phases in the bond issue and Rupple Road is the last part of that. People have waited ten years out there for improvements on Rupple Road.

I came to staff about a year ago and asked if there is any money that we come up with for College. Chris Brown and Jeremy Pate said we have some savings from one of the other projects of the bond issue we can apply to College Avenue. I told them to make it happen. It was decided to put $2.1 million into more improvements, which will start in late 2015. I support the improvements.

We still have not kept our promise to the people in the western part of this city. When I give you my word on something that is what I am going to do. I made a promise a long time ago for Rupple Road.

Alderman Gray: Chris has said we are in the design phase. I feel that is important for people to know we are working on College. We have had that money allocated for a while. We can't do everything at once. We have construction all over the city right now and that is something that we need to remember.

Alderman Adams: To reemphasis something Chris said. It takes ten years to complete a project after the problem is identified.

Chris Brown: I use Highway 265 as an example for taking ten years to complete. They don't all take that long.

A discussion followed about the traffic study report and the amount of travel time saved if Rupple Road became a four lane.

Alderman Kinion: I know we are looking at travel time on Rupple Road, but that is not the problem. The problem is not Rupple Road, it is Martin Luther and Wedington. The intersection at I-540 going to Salem is havoc. The problem we have right now is looking at alternative routes to get some of the traffic away from these snarling intersections. They are so dangerous and we need to offer an opportunity for people from Salem to travel north and south. We need to relieve the congestion and come up with a plan of connectivity so that we can have alternative routes.

Bobby Ferrell, 2413 Twin Oak Court spoke in favor of the resolution. He stated when you tell people you are going to do something, you better do it.

Rob Moore, Environmental Action Committee asked that things are planned out ahead of time before starting to build the road.

Rex Dodge, Rolling Hills Drive spoke in favor of the resolution.

Jerry Bailey stated that pedestrian use needed to be taken more seriously. He stated that if the four lane is built on Rupple Road, then the opinions of pedestrians should be considered when building sidewalks and to develop a plan for maintaining them.

Jeffrey Huber, 3691 Tower Circle spoke in opposition of the resolution. He asked the Council to consider if they would support an alternative design if it had a different funding source.

Garnett Wise, 3190 North Sheryl and a member of the Environmental Action Committee stated that he wanted Council to remember and not disregard the six points for the 2030 goals.

Paul Rossi, a business man spoke in favor of the resolution.

Charlie Sloan, Ward 4 spoke in favor of the resolution and stated that connectivity is needed.

Shirley Lucas, Former Ward 4 Alderman spoke in favor of the resolution. She stated we need to look ahead and plan for the future. She believes the main thing is the trust of the people. She stated it is important if you want people to follow you on another issue later, you better follow through with what they voted on.

City Attorney Kit Williams: I enjoyed serving with you Shirley. I appreciate your service to the City Council.

Aaron Worth, Cobblestone Homes spoke in favor of the resolution.

Donna Daniels, Ward 4 spoke in favor of the resolution.

Gary Head, Local Business man spoke in favor of the resolution. He stated that when people vote for something, it becomes really important to them and people voted for this to be a four lane.

Pam Henson, Ward 4 resident spoke in favor of the resolution.

Tracy Hoskins stated he would rather see a fully connected two lane road than a partially built four lane road in hopes of getting the other half one of these days.

Steve Clark, Ward 1 resident and President of the Fayetteville Chamber of Commerce spoke in favor of the resolution.

Aubrey Shepherd voiced his opinion about the City Plan 2030 goals. He stated we should follow through with the plan that was made and promised, but don't do it at any cost.

Don Marr: I listened to the public and I think there are points being made that are passionate and important. What I loved hearing from Matthew was factual decision making. It is important to realize as elected officials that leadership and unity is important for the public to have confidence in us and our decision making.

We have the opportunity to have a four lane discussion for the first time in my life here in Fayetteville and we have an opportunity to develop from the beginning correctly. I think the city has a responsibility as leaders to help us build our major networks.

The enduring green network was an action that the Council made and reaffirmed a master street plan with that knowledge of this enduring green network being here and the opportunity to show it can be built correctly with consideration from the beginning.

I hope what is not lost in Matthew's presentation tonight is the factual decision making in consideration for College Avenue. I think that is why all of you have supported the $2 million. I think the message he is saying is, let's not just stop with that and consider we are done. I don't think we should do it at the expense of what our Council did, what we went to the public with and the public trust.

Michael Brown asked the Council to view literature about Dignity Village.

Marilyn Shoffit, Ward 2 resident stated we do need to keep our word, but doesn't agree with all of it.

Alderman Kinion: The vision we have for College Avenue is grand and it is not going to be forgotten. I know that College Avenue is the main street for the heritage of our city. I also know from being from the west side of the county, the growth has been incredible. We have to stand by our word.

The Environmental Action Committee came forward with a great document to offer a vision.

Alderman Petty committed a great deal of time and he brings the most exciting opportunities. I appreciate the information I get from him. I think doing the four lane will save us in the long run and we can develop it correctly.

Alderman Tennant: I will be voting to reaffirm this. I want to thank Alderman Petty. The main reason I began to consider both sides was because of the initial conversations and items he's brought forward. Matthew is always very detailed in his research and brings forth a lot of really good ideas. The College idea he has is an out of the box thinking idea that we need to keep alive and keep in continual motion. North College needs attention.

Alderman Gray: I want to thank Matthew and I appreciate all the hard work he did in preparing this. I had originally thought I wanted the two lanes, but the more I listened to the commitment made, I knew that is what we had to do. We have to keep our four lane highway and keep those other things in mind as we go. I will be voting to affirm the four lane.

Alderman Adams: It is a pleasure to work with Matthew on the Street Committee. I think some of these things we have heard tonight will be brought back to the Street Committee. Chris Brown does a fabulous job with that committee.

Alderman Petty: I do believe unity is the most important thing. Coming up with this proposal, we hadn't really heard from a lot of people about how important the bond issue was. I don't want anybody to think that I am deaf to public input. I will vote for this if that is what the Council wants and I am proud to do it. I am grateful that we have seen the Council tonight affirm that we need to honor the wishes of the public, but that we have larger and more complicated issues. The future is bright for us.

Alderman Marsh: There has been quite a bit of discussion tonight about promises and we also made another promise. We made a promise to uphold the City Plan 2030 and the goals aren't posted in our Council chambers for decoration. They are here to remind us of the guiding principles that our citizens have set forth for us. It tells us to make appropriate infill and revitalization our highest priority. I am not a fan of the four lane proposal, but I recognize the need to honor our bond issue.

Mayor Jordan: We worked so hard to pass the bond issue in 2006. We had never seen anything like that. So many projects, we had 13 or 14 projects on the list that the Street Committee put together. I was the representative for Ward 4 and on that committee. It was probably the most expensive road project and everybody wanted different things in their wards, so I gave up building that road. The people waited and they were patient. When you build something, you build it once, build it right and you build it forever. This is what we are going to do with this road.

A discussion followed about amending the resolution for staff to develop a rezoning study.

Alderman Petty moved to amend the resolution for staff to bring forth a rezoning study prior to contract approval. Alderman Marsh seconded the motion. This motion was withdrawn.

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

Resolution 66-14 as recorded in the office of the City Clerk

VAC 14-4617 (1144 N. Futrall Dr./Cornerstone): An ordinance approving VAC 14-4617 submitted by Blew and Associates for property located at 1114 N. Futrall Drive to vacate portions of utility easements, a total of 967.3 square feet.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Planning Commission voted 7-0 for approval and staff is recommending approval.

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

City Attorney Kit Williams read the ordinance.

Alderman Tennant 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 Marsh 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 7-0. Alderman Marsh was absent during the vote.

Ordinance 5672 as Recorded in the office of the City Clerk

VAC 14-4621 (East of Beechwood/South of Railroad Tracks/Specialized Real Estate): An ordinance approving VAC 14-4621 submitted by Jorgensen & Associates for property located east of Beechwood Avenue to vacate 20' utility easements throughout the property.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Planning Commission and staff are recommending approval.

Alderman Petty 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 Long 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 5673 as Recorded in the office of the City Clerk

ADM 13-4602 (UDC Amendment Chapter 161.32 and Chapter 166.06): An ordinance to Amend §161.32 Planned Zoning District and §166.06 Planned Zoning District of the Unified Development Code to clearly separate the zoning and development approvals for Planned Zoning Districts and to simplify and reduce current regulations.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Planning Commission and staff are recommending approval.

City Attorney Kit Williams: Thank you to Andrew Garner, Jeremy Pate and Jesse Fulcher who worked very hard on this. I was concerned that the City Council zoning decision in granting a PZD might not be given the deference that it should be in court. It should be considered as a legislative action and have the protection where it will not be reversed unless it is arbitrary capricious.

When our wheel clamp ordinance got challenged, it was good that it was a legislative decision and the judge granted you great discretion and deference and upheld the wheel clamp ordinance. Unfortunately, when we got into the case involving the Cleveland Street apartments, there was some confusion at the judicial level and there was some thought that the standard was not going to be that you are giving any deference whatsoever. It was going to be a standard of a brand new jury trial as if they were you and make all the decisions, even though a lot of them wouldn't be Fayetteville residents and none of them would have any experience in development. I knew that was not a good situation.

I spoke with Jeremy and told him we need to make it clear for the decision making process so that there can be no mistake in the future when you all make the zoning decision to zone something as a PZD. We want to make sure that when you make a decision, it is going to be upheld in court. Same thing about the Planning Commission. If they approve a development based on your PZD and they follow all the rules. I recommend that you approve it.

Alderman Long: I appreciate everybody working so hard on this. I think it is important that we do adjust the code. It is a big change. I would like for the Council to hold this for two weeks so we can make sure everyone understands what we are doing.

City Attorney Kit Williams: There is no rush to get this done. I have no objection to wait.

Alderman Adams: Would this impact anything in Planning right now?

Jeremy Pate: No.

This ordinance was left on the First Reading.

Street Name Change: A resolution to change the name of Arbuckle Lane to Woodward Lane.

Greg Mitchell, GIS Coordinator gave a brief description of the resolution. He stated that there was a committee made up from the GIS Department, Fire Department and Police Department dispatchers who look at all proposed street names. He stated that all the names that were proposed were rejected by the committee. He stated that in a dispatch situation, you want a very unique name that can't be confused with an existing street name. He stated there is also a proposed connection for Arbuckle Lane and will most likely continue through the Beechwood Apartments development.

Don Marr, Chief of Staff: How many residents are planned for that development?

Greg Mitchell: 700 units in the whole complex I believe. I don't know how many on this particular street.

Don Marr continued to speak about the policy of street name changes.

Alderman Marsh: I think that our street naming committee has raised some valid points and I am not in support of this name change.

Alderman Long: How do you feel about this Adella? I know you brought this forward, but a lot of times we bring things forward that we are not passionate about. We do it for the citizens.

Alderman Gray: I did try to discourage this because I have been in conversation with Mr. Mitchell and we explored many names. I think Mr. Woodward will be understanding that we tried to help, but it just wasn't a good plan.

Mayor Jordan stated Mr. Woodward contacted him and he was open to the idea, but when the committee said it could create an emergency issue, safety has to be his top priority.

Alderman Gray moved to approve the resolution. Alderman Kinion seconded the motion. Upon roll call the resolution failed unanimously.

City Council Agenda Session Presentations: None

City Council Tour: None

Announcements:

Kit Williams: I sent a memo to the City Council about First Thursday's use of the Old Post Office patio area. They have a right to lease that unless the City Council objects by passing a resolution. I didn't think there would be any objection. Since our meeting will be two days before First Thursday, I wanted to confirm that no one is intending to ask me to write a resolution to reject First Thursday's use of the OPO patio area.

Don Marr: The Arkansas Highway and Transportation Department is having a public meeting March 20, 2014 from 4:00 p.m. to 7:00 p.m. at Asbell Elementary. The topic of discussion is the Wedington and Martin Luther King I-540 interchange redesign. We encourage citizens to participate and attend the meeting.

We will be having our first spring Ward cleanup on March 22, 2014 at Owl Creek School and the Recycling & Trash Collection facility. The other dates for cleanup will be April 5th, April 19th and May 3, 2014.

Alderman Marsh: I would suggest to Mr. Michael Brown with Dignity Village to email his information to the City Clerk for distribution to the Council.

Adjournment: 10:42 p.m.

Lioneld Jordan

Lioneld Jordan, Mayor

Sondra E Smith

Sondra E. Smith, City Clerk/Treasurer

Nominating Committee Report

Wednesday, March 12, 2014
Members Present – Adella Gray, Mark Kinion and Justin Tennant
Members Absent – Rhonda Adams

The Mayor recommends the following candidate for appointment:

FAYETTEVILLE PUBLIC LIBRARY BOARD OF TRUSTEES
Hershey Garner – One Citizen-at-Large term ending 04/01/19

The Advertising and Promotion recommends the following candidate for appointment:

ADVERTISING AND PROMOTION COMMISSION
Ching Mong – One Tourism Industry term ending 03/31/18

The Nominating Committee recommends the following candidates for appointment:

CITY BOARD OF HEALTH
No applicants – One unexpired Physician term ending 12/31/16

CIVIL SERVICE COMMISSION
Bo Bittle – One Citizen-at-Large term ending 03/31/20
Betty Martin – One Citizen-at-Large term ending 03/31/20
Jules Beck – One Unexpired Citizen-at-Large term ending 03/31/19

CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS
James Cherry – One Citizen-at-Large term ending 03/31/19
Nathan Morton – One Citizen-at-Large Alternate Member term ending 03/31/15
Chris Brackett – One Citizen-at-Large Alternate Member term ending 03/31/15

PLANNING COMMISSION
Kyle Cook – One Citizen-at-Large term ending 03/31/17
Tracy Hoskins – One Citizen-at-Large term ending 03/31/17
Janet Selby – One Citizen-at-Large term ending 03/31/17

TELECOMMUNICATIONS BOARD
Dustin Seaton – One Citizen-at-Large term ending 06/30/18
Alex Baldwin – One Citizen-at-Large term ending 06/30/18

TOWN AND GOWN ADVISORY COMMITTEE
Victoria Whitfield – One U of A Student unexpired term ending 09/30/15