

Alderman Adella Gray
Ward 1 Position 1

Alderman Sarah Marsh
Ward 1 Position 2

Alderman Mark Kinion
Ward 2 Position 1

Alderman Matthew Petty
Ward 2 Position 2



Alderman Justin Tennant
Ward 3 Position 1

Alderman Martin W. Schoppmeyer, Jr.
Ward 3 Position 2

Alderman Rhonda Adams
Ward 4 Position 1

Alderman Alan T. Long
Ward 4 Position 2

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

City of Fayetteville Arkansas City Council Meeting July 01, 2014

A meeting of the Fayetteville City Council was held on July 01, 2014 at 5:30 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

PRESENT: Alderman 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.

Alderman Adams and Alderman Gray arrived at 5:35 p.m.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Mayor Jordan recognized the Young African Leaders Initiative group from the University of Arkansas.

City Council Meeting Presentations, Reports and Discussion Items: None

Agenda Additions: None

Consent:

Approval of the June 17, 2014 City Council meeting minutes.

Approved

City Council Workers Compensation Insurance Support: A resolution to express the City Council's support of a legislative enactment to provide for workers compensation insurance coverage for emergency responders for work-related mental injury or illness.

Resolution 116-14 as recorded in the office of the City Clerk.

Bid #14-29 Forsgren, Inc.: A resolution to award Bid #14-29 and authorize a contract with Forsgren, Inc. in the amount of \$1,242,968.30 for improvements to the Greenland Gravity Sewer Main, to approve a cost share agreement with the City of Greenland in the amount of \$374,806.67, to approve a project contingency of \$125,000.00, and to approve a budget adjustment.

Resolution 117-14 as recorded in the office of the City Clerk.

Alderman Marsh moved to approve the Consent Agenda as read. Alderman Tennant seconded the motion. Upon roll call the motion passed 6-0. Alderman Adams and Alderman Gray were absent during the vote.

Unfinished Business:

Amended Articles of Incorporation for the Walton Arts Center Council and Foundation: An ordinance to approve the Fifth Amendment to the Articles of Incorporation of the Walton Arts Center Foundation, Inc., the Sixth Amendment of the Articles of Incorporation of the Walton Arts Center Council, Inc. and their amended Bylaws, and the Amended and Restated Interlocal Cooperation Agreement between the University of Arkansas and the City of Fayetteville.

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

City Attorney Kit Williams read the ordinance.

Mayor Jordan stated there were several people from the public who would like to address the Council. He stated he would begin the conversation with public comment.

Greg Lee, Chairman of the Walton Arts Center Board: I want to thank you all for your service to our community and your legacy of supporting the arts cultural activities and specifically the Walton Arts Center. I appreciate the opportunity to speak to you on behalf of the overwhelming majority of the Board of the Walton Arts Center and its staff and to speak in favor of the governance proposal as presented to you for your consideration.

The Board of the Walton Arts Center ratified this same governance proposal by an overwhelming majority. It is and has always been the intent of our Board and our staff to grow the quality, variety and quantity of programming presented at the Walton Arts Center in Fayetteville. Since 1992 we have seen the Walton Arts Center grow to be a top notch performing arts center with a scale and scope not normally seen in a city or region of our size. The Walton Arts Center Board is grateful to the City of Fayetteville and the citizens of Fayetteville who have established a legacy of financial investment in and support for the Walton Arts Center. The Walton Arts Center is also very fortunate to have the legacy of substantial ongoing financial investment and support from donors and patrons outside of Fayetteville. It is this combination of support from Fayetteville and Northwest Arkansas that has made the original construction and the ongoing success of the Walton Arts Center possible.

The Walton Arts Center has a significant need for ongoing fundraising. Ticket sales only provide an average of 50% of our annual revenue with the balance of our required funds coming from fundraising. Approximately 4% of our annual revenue comes from the City of Fayetteville, the State of Arkansas and the U.S. Government. Each of them making contributions to specific programming, which is very important to us. The remaining 46% of our annual fundraising/revenue comes from private citizens, our foundation and corporate entities. Our annual revenue budget for this particular year of 2014 was 9.5 million dollars. We have a substantial requirement each year to raise four plus million dollars from private donors to just operate on an annual basis. I say this to illustrate the Walton Arts Center Board fully understands and appreciates its significant reliance upon the continued support of the City of Fayetteville, Fayetteville citizens, University of Arkansas, the Walton Family Foundation, our Northwest Arkansas donor base to supplement our ticket revenue and provide funding for our programming, our facility maintenance and our capital improvement program.

Fayetteville has been our home for 22 years. The Fayetteville performing arts center has been and will be for as far as this Board can see, the centerpiece and engine of the Walton Arts Center. It is both our pledge and our stated intention to expand and upgrade the jewel that is the Walton Arts Center of Fayetteville. The Walton Arts Center Board passed a resolution reaffirming our commitment to fulfill the plans as outlined by the November 2013 bond issue that was supported by the citizens of Fayetteville. To do so requires our Board and staff to conduct a successful capital campaign to raise approximately 16.5 million dollars from our private donor base. Our Board believes our opportunity for a successful campaign is enhanced by your vote in favor of the governance as presented. We believe the governance proposal makes provision for the protection and assurances that Fayetteville and the U of A should both deserve and should require. Our Board members and our major donors want clarity and certainty as to the scope of the authority that resides with the Walton Arts Center Board. We want to make decisions knowing that we have the authority to do so. Our Board believes the concerns of both our Board members and major donors with that regard are appropriately addressed in the governance proposal.

My personal pledge to you as a Board member and current Chairman is to make all best efforts to ensure that this expansion program is carried through as pledged to the City of Fayetteville through its completion. If you approve the governance, I assure you I will do my very best to affect an appropriate transition. I ask for your vote of yes on the governance proposal as presented.

David Gearhart, Chancellor of the University of Arkansas: We have enjoyed working with the City Council, the City of Fayetteville and the Walton Arts Center. We have had this incredible partnership for 25 years. The partnership has existed with very little strife. It has been one of the greatest things that has ever happened for the City of Fayetteville and certainly has benefitted the University of Arkansas. I want to compliment this group and your predecessors for making the Walton Arts Center a showplace for our community.

I believe strongly in Northwest Arkansas and that we all have to work together. My first and foremost allegiance and concern is for the City of Fayetteville, citizens of Fayetteville and the University of Arkansas. I believe these new governance documents will help to continue the great partnership between the City of Fayetteville and the University of Arkansas. I am very supportive of what happens all through Northwest Arkansas. The AMP, the potential building of another venue perhaps in Bentonville are good things, but my first concern has to be about this city and the University of Arkansas.

I believe firmly that enacting this new governance structure is going to benefit the City of Fayetteville and the University of Arkansas. We have to look out after ourselves. The City of Fayetteville and the University of Arkansas are the two entities that have to do everything we can to make certain the Walton Arts Center remains viable and continues to be an important entity in our city and on Dickson Street. To ensure that we are going to have a viable venue we need to enact these new governance documents.

The University of Arkansas Board of Trustees met last month and they approved unanimously the new documents. Their hope is that you also will approve unanimously these new documents. The partnership we have shared over the last 25 years is a very important one and I hope that we will continue to share that partnership in the future.

I pledge that the University of Arkansas is going to do everything we can to remain the venue where the arts happen. With the facilities we have at the University of Arkansas, we are committed to using our facilities for the benefit of the citizens of this community. The combination of our facilities, the combination of what we have here in Fayetteville and the partnership we have in the city, this community will remain the venue of choice for the arts. I ask you on behalf of our Board of Trustees, faculty and students to support this and pass it unanimously.

Mary Ann Greenwood, Chairman of Greenwood Gearhart stated she is a supporter of the Walton Arts Center and a member of the Walton Arts Center Foundation Board. She stated she would like each City Council member to support and approve the governance proposal as presented. She thanked the Aldermen for taking time to serve as a member of the City Council and stressed how important they are to Fayetteville and Northwest Arkansas.

She stated the leadership at the Walton Arts Center completed an extensive and exhaustive process to develop and secure approval for the new governance structure that will enable continued expansion and development of programming that will enhance the quality of life in Fayetteville and Northwest Arkansas. She requested the City Council to support the proposal as presented and move Fayetteville forward.

Woody Bassett, Citizen of Fayetteville: I have had the privilege of serving two terms on this City Council. I understand your responsibilities and what it is like to be an Alderman in Fayetteville. Thank you for your service. You have handled addressing this governance issue in the way I would expect you to handle it as a citizen of Fayetteville. It is an important issue. You all have asked good questions and listened to your constituents.

I commend Mayor Jordan and City Attorney Kit Williams for all the time and effort you put in working with other parties to bring this proposal to this Council. I commend all of you on the Council for the time and effort that you have put into this leading up to tonight. If you approve the governance proposal that is before you, it will be in the best interest of Fayetteville and the people who live here.

Bill Bradley, Chair of the Fayetteville Chamber of Commerce Board of Directors: A letter dated June 13, 2014 was sent to Mayor Jordan and the City Council formally endorsing the governance changes. Being part of a regional Northwest Arkansas arts revival and expansion serves Fayetteville well. Our view that the due diligence process in reviewing the changes in governance have been thorough, deliberant and done by a diverse capable group. Our view that ample provisions are included in the changes to protect the roles of Fayetteville and the University of Arkansans going forward, as well as ensuring an active arts experience on Dickson Street for the long term. To show appropriate gratitude to the Walton Family for all they have done for us historically and have committed to do in the future. We believe the time to move forward with these changes is now. Doing so ensures Fayetteville as a vital part of the Northwest Arkansas arts scene.

Joe Fennel, President of the Dickson Street Merchants Association: Your support of the Walton Arts Center governance proposal is very important to the vitality of Dickson Street and the City of Fayetteville. I ask that you support the changes to the governance proposal that is before you. The Dickson Street Merchants Association believes the Walton Arts Center Boards approval of the resolution stating that money will not be raised for new performance facilities within or outside of Fayetteville, without having first funded and completed the construction of the Fayetteville expansion, speaks highly of their commitment to the Fayetteville Walton Arts Center project.

Leyah Bergman Lanier, Citizen stated she would like to see the City Council stay faithful to the commitment to the City of Fayetteville. She stated that the Walton Arts Center is one of the very first things introduced to international students when coming to the University of Arkansas. She stated Fayetteville's commitment to the arts has been exceptional and hopes that it will continue.

Alderman Tennant: I want to thank the people who have spoken tonight and your words are extremely important. What I asked for when I proposed my amendment at the last meeting was more assurance that what the voters of Fayetteville voted yes for last November would be exactly what they received. The 3,640 people who voted yes deserve this assurance so that in the future Dickson Street renovation of the Walton Arts Center could not be changed. Placing restrictions on when the governance of the Walton Arts Center change would go into effect would guarantee this for the citizens. I am proud that we did this because it has made our community stronger and made the renovation project stronger.

I was pleased last week when I saw the Walton Arts Center Council pass their resolution. What I saw was citizens wanting what is in the best interest of the city and tonight we have seen them step up and give their word. Depending on one or two people who say trust me, is not sufficient to me or the people of Fayetteville. When I see names like Gearhart, Bassett, Lee and take calls from some of the most prominent citizens we have, it is clear to me that these people have truly given their word. When I hear Greg Lee state that he will make a personal assurance that matters a great deal to me. The newspaper said that Mr. Lee and people like him have put their integrity on the line. This is a really important step for our city.

I want to thank the Walton Arts Center Council for making this assurance. I thank them for giving us their personal assurances and giving their word that this project will happen as the voters were told it would. This is an assurance to the people, by the people.

At the June 17, 2014 City Council meeting an amendment to the Amended Articles of Incorporation for the Walton Arts Center Council and Foundation ordinance was not voted on and tabled to the July 1, 2014 City Council meeting.

Alderman Tennant moved to withdraw his motion to amend. Alderman Long withdrew his second. Motion to amend was withdrawn.

Alderman Gray: Justin has spoken very well and I agree completely. I appreciate each of you coming and for contacting us this week to express how important you feel this is. I have read every letter carefully and have talked to several of you. This has convinced me that we do have the assurances that we need for the people of Arkansas and Fayetteville. It will pay off in devotion and allegiance to the Walton Arts Center. Constituents who have expressed some concerns to me will be assured. We will now see the Walton Arts Center on Dickson Street flourish and grow.

Alderman Kinion: The Walton Arts Center is in Ward 2. Whenever I look at the Ward that I represent, I know the importance of the Walton Arts Center and the Entertainment District. We know the identity we have associated with the Walton Arts Center being in Fayetteville and on Dickson Street. What I have seen over the past two weeks is engaged community discussion that Fayetteville is famous for. We have certainly had more input from a broader community than we had two weeks ago. With the broad support, the public assurances with individuals that I believe have great integrity, the resolution that is public and published, I feel confident I can support this and move forward.

Alderman Kinion moved to suspend the rules and go to the third and final reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-1. Alderman Long voted no.

City Attorney Kit Williams read the ordinance.

Alderman Marsh: I appreciated the resolutions that were passed by the Walton Arts Center Board and I feel really good about this governance change. The reality is that Northwest Arkansas is no longer just Fayetteville. It is counterproductive of us to potentially limit the growth of the Walton Arts Center based on irrational fears, especially when the Board has made it abundantly clear that

the Fayetteville campus will continue to be the home campus and the first priority of the Walton Arts Center.

I am glad to see the growth and development of other cultural destinations within driving distance of our city. I want the City Council to support this regional economic development. The proposed agreement is a good balance between protecting Fayetteville's interest while enabling the Walton Arts Center to diversify its offerings through our metro region. It maintains the box office and associated sales tax revenue in our city. It keeps their administrative jobs in our Downtown, guarantees high quality programming and supports the growth and improvement of our arts center which is a vital piece of our Entertainment District. The proposed agreement strikes a fair balance for all stakeholders involved.

Alderman Long: I wasn't prepared to vote on this tonight. I was hoping we would hold it for another two weeks. I know that you were involved in the negotiations.

Mayor Jordan stated to Alderman Long that he was involved in the negotiations.

Alderman Long: Since this is a move to make it a regional board and they are going to be building a facility in another community also, this agreement lacks one thing to me. They don't have representations from those communities in which they will be building other facilities. If this is truly a regional move, then why wouldn't other facilities share the same representation?

City Attorney Kit Williams: That was discussed. It was decided that the Walton Family Foundation being able to appoint nine members of this Walton Arts Center Council Board would be in the best position to protect any interest for the Benton County entities. We looked at who has actually been the financial and organizational supports of the Walton Arts Center, it has been the University of Arkansas, City of Fayetteville and the Walton Family Foundation. We felt that those were the three major players and therefore they are the players that should be the ones to appoint the Board of the Walton Arts Center Council.

I have not heard any problems from the City of Bentonville or the City of Rogers. They realize that the Board members appointed by the Walton Family Foundation will protect them. The most important thing for those cities was the fact that we agreed to change the purposes of the Articles of Incorporation, which had focused only on the Dickson Street facility, to expand into the Bentonville facility, the Rogers AMP and the University facilities. All the entities agreed this was the best solution.

Mayor Jordan: My involvement in this started around 2009 when I came into office. We met with business leaders on Dickson Street and met with the Walton Arts Center. At one of the meetings we discussed the concerns about the parking deck at the Downtown area and we went to work on that. We talked about an expansion of the Walton Arts Center and we went to work on that. It has been five years that we have been working on this. For the last year and a half, Kit, Don and I have been working on coming up with these governance changes. We worked with the Walton Arts Center. Thank you Greg Lee and Peter Lane for your help on this. We worked with the University of Arkansas. Thank you Chancellor Gearhart. Thank you to the Walton Family Foundation.

It is no longer Fayetteville, it is a region. What we have in our city and our region is a partnership base government. We are all in this together and moving it forward together to a new level. Thank you to all the attorneys that worked on this. You did a great job. We came to a solution that I thought we could all live with and advance this city and region. More importantly than anything that is written, everyone gave me their word and I gave them mine. I believe that is stronger than any contract you can ever draw up. If your word is no good, then you are no good. It is time to move this city and region to a new level.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-1. **Alderman Long** voted no.

Ordinance 5693 as Recorded in the office of the City Clerk

Walton Arts Center Council, Inc. Lease: A resolution to approve an Amended and Restated Lease Agreement among the University of Arkansas and City of Fayetteville as landlords and the Walton Arts Center Council, Inc. as tenant. ***This resolution was tabled at the June 17, 2014 City Council meeting to the July 1, 2014 City Council meeting.***

City Attorney Kit Williams: This was discussed with the governance changes. I think the audience was addressing the lease as well as the governance changes when they were speaking. If there are any questions about the lease I would be happy to answer them.

Alderman Kinion: We have addressed this with the previous discussion.

Alderman Adams: Thank you to Justin for your leadership on this. One of the things this did for me was give me a couple of weeks to visit with Don Marr and get some perspective on the city's hard work on this. It gave me a chance to talk with Steve Clark and listen to his thoughts and opinions. I appreciate the people who took the time to explain something that might have been confusing to some of the citizens.

Alderman Tennant: Thank you Rhonda.

Mayor Jordan: I also want to thank Alderman Tennant. It doesn't hurt to question things and we should all be so diligent to make sure things don't get rubber stamped.

Alderman Tennant: Thank you Mayor.

Alderman Marsh: The Porter Produce building occupies the corner of Spring Street and West Street. It is within the Walton Arts Center campus and it is a 1904 to 1908 structure with deep ties to the agricultural history of our region. Right now it is being used as a boarded up storage facility for the Walton Arts Center. As we are looking at revitalizing our Downtown through the Main Street Program, one of the things we need to remember is that every building in our Downtown matters.

During the last meeting of the Economic Accountability Council we had passed a resolution asking for some protections for this building, to prevent it from being torn down or significantly altered without the consent of the City Council. A binding agreement from the Walton Arts Center to prevent further degradation to the building and a good faith commitment from the Walton Arts Center to work with the community to develop and execute a plan to activate the corner of West and Spring Street in such a way that contributes to the vitality of the street scape and results in a higher and better utilization of the Porter Produce building than its current status.

Thank you to the Walton Arts Center Council for their recent resolution they passed. I feel that it addresses all of these concerns. I appreciate the effort and I look forward to working together to find an appropriate use to activate this important corner of our Downtown.

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

Resolution 118-14 as recorded in the office of the City Clerk.

New Business:

RZN 14-4687 (659 N. Genevieve Ave./Davis): An ordinance rezoning that property described in rezoning petition RZN 14-4687, for approximately 1.62 acres, located at 659 N. Genevieve Avenue from R-A, Residential-Agricultural to RSF-2, Residential Single Family, 2 units per acre.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission approved the request with a vote of six to three. Staff does not support the designation. There is a very low amount of infrastructure and we feel that adding additional lots within this area would not be in the best interest of the City of Fayetteville.

Alderman Marsh: Where is this in relation to Ruppel Road and the box around the city? Is it inside or outside of that box?

Jeremy Pate: It is quite a ways outside.

Alderman Petty: How many homes are out on this road now?

Jeremy Pate: Roughly 10 to 12.

Alderman Petty: Is it paved?

Jeremy Pate: It is paved and photographs have been provided.

Alderman Petty: It is a public road and we are responsible for maintenance of the infrastructure out there?

Jeremy Pate: That is correct. There are some private roads within the area that we do not maintain. A lot of times they are utilized as public because there are no gates on them.

Gary Davis, Applicant: I am proposing to build two single family residential housing units. They will be probably about 1,600 square feet each and craftsman style construction.

Alderman Kinion: Jeremy, please remind us about the infrastructure for water delivery. This is a concern when looking at expanding the overall utilization of this property at a higher density.

Jeremy Pate: One of the things that was identified was the existing water line with the additional single family units you don't see infrastructure improvements, so you don't see water line improvements generally if there is already access and the capacity for domestic services there. If there is only a two inch water line here that essentially means there is no fire protection for this particular area. It would be some sort of pump truck used or something of that nature. This is an area that was annexed like this and it has been this way since the 1970's or before. It has not had the development pressure to improve the infrastructure in this area.

Alderman Kinion: It is a two inch water line all the way from 54th Avenue down Tackett Drive.

Jeremy Pate: I believe that is correct.

Alderman Kinion: If you can imagine a two inch water line serving this whole residential area, we are already at a capacity where there is a concern. I hope when someone develops this, they would offer in some way to improve the infrastructure so we could have confidence there would be fire protection in this area. It is at the very edge of Fayetteville. We have not had water improvements and haven't considered any water improvements through the Water & Sewer Committee in this area.

I would love to support the vision of the landowner as a property right to develop it. In reality as a responsible advancement to the west, I feel like there is some concern that overrides that vision because of fire protection and overall water pressure on a two inch line going all the way from 54th Avenue to the end of Tackett Drive. I hope the City Council will consider this when we move forward if indeed we decide to up the density here, then it is possible we are going to have further density development along the adjacent streets. If the City Council sees this as a vision and we need to have more density in the western area of Fayetteville, then we need to consider how to improve the infrastructure. At this time the Water & Sewer Committee hasn't even discussed it.

Mayor Jordan: I think that is a great point.

Alderman Kinion: This is a concern until we have a budget that can support infrastructure and safety. We recently had an improved fire rating and it is because we have the capacity to get water where it is needed to protect our community. I think this is not in line with what we are expecting here in the City of Fayetteville.

It is with regret that I can't support it because I do like property rights. I like the opportunity for an individual with a vision to build on their property, but this property does not have the infrastructure right now to support higher density.

Jeremy Pate: I would like to clarify. There is a subdivision east of this property and it would be a very lengthy extension. It is called Sundance Meadows and it was approved in the early 2000's. That likely has fire protection, but it is still quite a ways and I don't know if they would have access or the means to provide an extension for even two single family homes. Generally we require an eight inch water line.

Mayor Jordan: The Planning Commission approved it as R-2, but what was the recommendation of the staff?

Jeremy Pate: We were recommending that it remain in the current designation of R-A which is consistent with property surrounding.

Gary Davis: There was a double wide mobile home at the rear of that property, which has been moved, so the water lines are there. There is no increase in the size of the water lines.

Jeremy Pate: It is likely accessed off that existing two inch water line that provides the service to these properties.

Alderman Long: I walked this entire area. The streets and the infrastructure seem too narrow to increase the density as well as the concerns about the water. I don't believe I can support this.

Alderman Adams: We have a Fire Department memo in our packets. It looks like the memo is only addressing response time. I don't know how much pressure we are putting on Fire Station Seven located on Ruppel Road. You all aren't looking at the size of the pipes, you are looking at response time mainly?

David Dayringer, Fire Chief: We look at response time and we also look at water supply. We go and check the hydrants all over the city. When we pre-plan an area we take those things in consideration. This is the western edge of town. We have automatic aid agreements with all of our surrounding partners on the very edges of town. The surrounding Fire Departments do have tankers and respond automatically with the resources we set up with them.

Alderman Adams: So the Wedington Fire Department would likely respond here, in addition to the city?

David Dayringer: Yes.

Alderman Adams: I have so much confidence in the review sheet in our packets that I never really question. If you say it is good with our Fire Department, then I depend on your professional opinion.

David Dayringer: We have plans for the edges of the city. Even the ones that are annexed after the fire stations are built, we plan them out.

Alderman Adams: The jurisdiction when it is inside the city limits, the city engine is going to go out there if there is a fire and Wedington Volunteer Fire Department is also going to respond too?

David Dayringer: Yes. They are dispatched along with our units in the automatic aid areas.

Alderman Petty: If we look at what it is going to cost to maintain the infrastructure out there, whether that be roads and sidewalks or it is the water infrastructure, we have to come up with a plan to pay for the maintenance, even if somebody else pays for the installation. Often times we think if somebody comes forward with a development proposal and they are going to pay for the necessary infrastructure on the front end, then that is good deal for the city. It is very rare that a city is this progressive, we almost never do the math on what it is going to cost to maintain it. Even if we built out that entire neighborhood at eight units an acre, we would not be getting enough property taxes out there to maintain the infrastructure it would require. This is what makes this a planning issue. It is not an issue about one proposal.

I trust the Fire Department memos too, but they are memos about a single proposal. They are not about what it means for us to be consistent if we vote this one proposal in and then subsequently try to be consistent about the proposals that come afterwards. If we rezone this RSF-2 or RSF-4, I think that makes us obligated for those that vote yes to do it again the next time another one comes through. This is why we go through these exercises every five years with our city plans and why we have these future land use maps because we are trying to figure out where we want the growth to occur. What we have decided as a city is that it is better for our city to grow in a more compact way than the dispersed way we have been growing for the past 20 years. A lot of it has to do not with philosophy or ideology like some people might think, but with real math calculations. It just cost more to build 500 feet of road or sewer pipe for eight homes than it does for 20 homes on a more compact block. We need to consider the very long term ramifications we will have if we let pristine agricultural land go over to development where we may need it to be agriculture in the future.

Alderman Marsh: I have several concerns about this. Looking at the map, this property is served by several dead end streets and so there is only one way in and out of this development. As we saw recently on Rodgers Drive when the road collapsed and the residents were at risk of not being able to be accessed by emergency services. Although this is relatively flat and probably not going to collapse, we could have an ice storm or tree down and not get services to these neighborhoods.

It is located well outside Ruppel Road which I supported because it was sold to me as being part of the box around our city in an urban growth boundary. I would want to see a compelling reason to approve any kind of density increase outside of that box and I don't see any compelling reasons here. I can't support this and I will support staff's decision.

Alderman Petty 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.

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.

Alderman Kinion: As we move forward we will look at this area through the Water & Sewer Committee. With Alderman Petty's insight, we have to consider how we are going to pay for this in the long run. We will have to do that when we look at cost associated with the maintenance.

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

This ordinance failed.

RZN 14-4725 (1974 N. Gregg Ave./Gibson): An ordinance rezoning that property described in rezoning petition RZN 14-4725, for approximately 0.65 acres, located at 1974 N. Gregg Avenue from RSF-4, Residential Single Family, 4 units per acre, to RMF-24, Residential Multi-Family, 24 units per acre.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is supportive of this rezoning. Planning Commission voted 6-0 in favor of the rezoning.

Maylon Gibson, Property Owner stated the property was bordered on both sides by apartments and is the only logical use for it.

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 Petty 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 5694 as Recorded in the office of the City Clerk

VAC 14-4740 (514 W. MLK BLVD/Filbeck): An ordinance approving VAC 14-4740 submitted by Blew and Associates for property located at 514 W. MLK Blvd to vacate an existing utility easement.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Planning Commission voted 6-0 in favor. Staff is recommending the utility easements be vacated.

Alderman Petty 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 5695 as Recorded in the office of the City Clerk

City Council Agenda Session Presentations: None

City Council Tour: None

Announcements:

Alderman Gray: We have a Ward 1 meeting on July 17, 2014 at the Senior Center on South College at 6:00 p.m.

Don Marr, Chief of Staff: Tomorrow, July 2, 2014 at 5:00 p.m. we will be having the ribbon cutting ceremony for the completion of the Highway 71B Flyover.

First Thursday is July 3, 2014 on our historic downtown square.

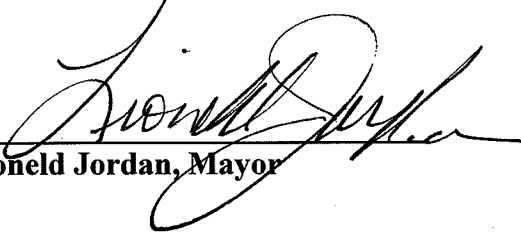
The Fayetteville Freedom Fireworks will be at the Northwest Arkansas Mall at 7:00 p.m. on July 3, 2014. You can use the new Flyover to access the mall.

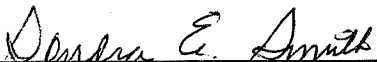
In our region this weekend is the 70th Annual Rodeo of the Ozarks which is July 2-5, 2014.

We want to remind citizens that our ordinance allows for the shooting of fireworks starting today between 10:00 a.m. and 10:00 p.m. through the 4th of July. No bottle rockets.

The City of Fayetteville offices will be closed on Friday, July 4, 2014 for the Independence Day holiday.

Adjournment: 7:00 p.m.



Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer