

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



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

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

**City of Fayetteville Arkansas
City Council Meeting
August 05, 2014**

A meeting of the Fayetteville City Council was held on August 05, 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.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items:

Bi-Monthly Report on Public Transit in Fayetteville

Joel Gardner, Executive Director of Ozark Regional Transit gave a report on public transit in Fayetteville. He stated that fixed route ridership and paratransit ridership have increased. He attributes the increase to the use of the paratransit software and the new routes that have been instilled in the City of Fayetteville. He stated a service that is being used is a new route that goes from West Fork to Farmington bringing riders into the Fayetteville area. He stated that the routes are going very well and appreciates the support from City Council.

Agenda Additions: None

Consent:

Approval of the July 15, 2014 City Council meeting minutes.

Approved

Devol Aviation, Inc.: A resolution to approve a five year lease for the airport hangar at 4158 South School Avenue to Devol Aviation, Inc. for a rent of \$1,700.00 per month with biennial rent adjustments to begin retroactively on July 1, 2014.

Resolution 136-14 as recorded in the office of the City Clerk.

General Improvement Fund Grant: A resolution to authorize acceptance of a General Improvement Fund Grant in the amount of \$34,500.00 for snow equipment parts and snow plow replacement, and to approve a budget adjustment.

Resolution 137-14 as recorded in the office of the City Clerk.

Bid #14-41 Central Salt Company: A resolution to award Bid #14-41 and authorize the purchase of crushed rock salt from Central Salt Company in the amount of \$106.16 per ton, as needed through July 31, 2015.

Resolution 138-14 as recorded in the office of the City Clerk.

Bid #14-42 Vance Brothers, Inc.: A resolution to award Bid #14-42 and authorize a contract with Vance Brothers, Inc. in the amount of \$256,480.00 plus a contingency of \$25,648.00 for Asphalt Micro-Surfacing of city streets.

Resolution 139-14 as recorded in the office of the City Clerk.

Darrell Froud Lease Agreement: A resolution to approve a lease agreement with Darrell Froud for about 54.5 acres of city park land for the sole purpose of cutting hay for the amount of \$100.00 per year.

Resolution 140-14 as recorded in the office of the City Clerk.

2015 Arkansas Outdoor Recreation Grant: A resolution to authorize an application for a 50/50 matching grant, through the Arkansas Department of Parks and Tourism's Outdoor Recreation Grant Program, in the amount of \$250,000.00 for improvements at the Fayetteville Regional Park.

Resolution 141-14 as recorded in the office of the City Clerk.

Garver, LLC: A resolution to approve a professional engineering services agreement with Garver, LLC in an amount not to exceed \$328,200.00 for engineering design related to the Cato Springs Trail.

Resolution 142-14 as recorded in the office of the City Clerk.

Community Development Block Grant: A resolution to approve a budget adjustment in the total amount of \$23,484.00 recognizing a 2014 Community Development Block Grant Revenue Increase.

Resolution 143-14 as recorded in the office of the City Clerk.

Arkansas State Highway and Transportation Department Change Order No. 14: A resolution to approve a payment of \$104,142.96 to the Arkansas State Highway and Transportation Department representing the City's portion of construction costs related to Change Order No. 14 for improvements to State Highway 16, and to approve a budget adjustment.

Resolution 144-14 as recorded in the office of the City Clerk.

AEP-SWEPCO Agreement: A resolution to grant Mayor Jordan the authority to negotiate and to approve a utility work agreement with AEP-SWEPCO in an amount not to exceed \$86,330.41 for utility relocation and underground installation necessary for public safety and esthetics related to the Spring Street Parking Deck Project.

Resolution 145-14 as recorded in the office of the City Clerk.

SWEPCO Utility Easements: A resolution to authorize the transfer of utility easements to SWEPCO for the relocation of power lines on city owned property near the corner of W. Watson Street and Campbell Avenue.

Resolution 146-14 as recorded in the office of the City Clerk.

2015 Employee Benefits: A resolution to approve the 2015 Employee Benefits Package.

Resolution 147-14 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 consent agenda passed unanimously.

Unfinished Business:

RZN 14-4729 (Cato Springs Rd./Chambers Bank): An ordinance rezoning that property described in rezoning petition RZN 14-4729, for approximately 253.23 acres, located along Cato Springs Road adjacent to the City's Regional Park property from R-PZD, Residential Planned Zoning District Southpass 08-2898, to UT, Urban Thoroughfare, CS, Community Services, and

NC, Neighborhood Conservation. *This ordinance was left on the First Reading at the July 15, 2014 City Council meeting.*

Alderman Marsh 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.

Jeremy Pate, Director of Development Services stated that the item was presented at the Ward meeting at the Senior Activity Center and at the Environmental Action Committee meeting.

Alderman Marsh: The Environmental Action Committee voted unanimously to recommend approval of the rezoning.

Alderman Petty 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 5700 as Recorded in the office of the City Clerk

Enact Chapter 119 Civil Rights Administration: An ordinance to amend the Fayetteville Code by enacting Chapter 119 Civil Rights Administration to protect the Civil Rights of Fayetteville citizens and visitors and to create the position of Civil Rights Administrator for the City of Fayetteville. *This ordinance was left on the First Reading at the July 15, 2014 City Council meeting.*

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

City Attorney Kit Williams read the ordinance.

Alderman Petty: Thank you Council for considering this and for the work from the City Attorney office. I ask that we leave this on the second reading tonight and vote on this August 19, 2014. There might be other amendments to present at the next Agenda Session. I brought this forward because I am against discrimination. Fayetteville has a history of doing the right thing and this is an opportunity to get a new law passed.

Jeremy Flannigan, Pastor of Pathway Baptist Church, 1736 North Cannondale Drive stated he has concerns about the language in defining who a business enterprise is and who a place of public accommodation is. He stated that both sections would include a church. He believes First Amendment rights could be challenged. He spoke in opposition of the ordinance.

Duncan Campbell, 2804 Rutledge stated he appreciates the City of Fayetteville and that it is one of the best communities he has ever been in. He stated he has always been treated fairly and does not think there is a big problem in the City of Fayetteville with discrimination. He believes enacting this ordinance will cause a lot of problems. He spoke in opposition of the ordinance.

Andy Wilson, Executive Pastor at Cross Church, 3484 West Wedington Drive believes the ordinance is dangerous to First Amendment freedoms. He stated it poses a threat to public safety and to private rights. He stated it offers no protection for people of faith in their individual business transactions. He spoke in opposition of the ordinance.

Gladys Tiffany, Director of Omni Center for Peace, Justice and Ecology stated she would like to speak for the amendment and thanked the City Council for agreeing to consider this. She stated she does not believe it is a necessity to consider the ordinance a First Amendment issue. She stated the ordinance is intended to address some general issues to allow Fayetteville to take the high road in a lot of different cases. She stated bringing up issues that have to do with faith doesn't really cause this ordinance to be called into question.

Alderman Tennant: I don't know the background of the Omni Center. Do you work with people that bring discrimination to you?

Gladys Tiffany: No, we do group organizing. We do a lot of different projects and activities that reach across race, class and gender lines. We have the opportunity to work with these people and they tell us where they are suffering these discrimination issues.

Alderman Tennant: If you hear of a discrimination issue, is there some recourse that you help them with or is it just between the two of you?

Gladys Tiffany: No one has ever asked me to help them with that. There have been many times I could give them ideas about where they could take that issue. We give some kind of support, but we don't actually deal with those ourselves.

Alderman Tennant: Are you saying if this were to pass, this would be a recourse you could use for those people or help those people somehow?

Gladys Tiffany: I am not entirely sure. I think what I see this ordinance helping with is people can see their issues are something their city is interested in addressing. They can see they have a place in our city.

Charlie Collins, State Representative for East Fayetteville, 3225 Piper Glen stated he thinks the city does a wonderful job of balancing different points of view in different areas. He stated if we take a far reaching statement that is based on things like individual perceptions, which could be different from person to person and make legal situations out of perceptual differences across a wide range of potential violations, we could have a chilling effect on the employment situation in our city. He asked the City Council to see if there is a way to accomplish the objective of reinforcing the commitment to non-discrimination and diversity without putting the city into a

position where businesses that hire people decide let's not do that in Fayetteville, let's go grow jobs somewhere else.

Alderman Tennant: At the state level, are you satisfied with the current way citizens in Arkansas can come forward if they feel discriminated against?

Charlie Collins: Yes I am. The reason I say that is because when people come to me with an issue or problem, there is some uniqueness to it. People may not know the proper appeal process, but helping them to discover what the process to appeal is, may be enough often times to help people solve their problems.

Alderman Tennant: Those resolutions come from agencies that already exist and are paid for by the taxpayers?

Charlie Collins: Yes sir. If there was something falling through the cracks, I would be ringing a bell on that.

Valerie Biendara, Fieldstone Avenue stated she was shocked when hearing about the ordinance. She stated the ordinance impinges on the Christian faith. She stated there will be potential lawsuits and taxpayers will have to pay for it. She stated there are many other needs in the city and would rather see money spent on the library, trails and parks. She spoke in opposition of the ordinance.

David Garcia, 257 Thompson Avenue stated the arguments about religious liberty makes him nervous. He stated he knows what that liberty has been used for in the past and it has not been for good things. He stated as a Catholic he doesn't feel threatened by the ordinance.

Paul Phaneuf, Aqua Crossing stated Northwest Arkansas is a great place to live. He stated the ordinance was an assault on individual and religious liberty. He stated he doesn't question the intention behind the bill and doesn't believe anybody is in favor of discrimination that is intended to harm. He believes if the ordinance passes, the city will see lawsuits and the city runs the risk of non-violent civil disobedience. He stated liberty trumps political correctness.

Becky Heppner, Calvary Chapel, 385 Sunbridge stated she is concerned about the proposed ordinance because it does not protect First Amendment rights.

Michael Collins, 1625 North Giles Road stated he is concerned about the ordinance and the numerous problems. He stated this is a nightmare of relativism versus natural law. He stated you are not asking us to change a law or look at an ordinance, you are asking us to change our fundamental paradigm of an American life. He stated you are asking us to remove the rules of natural law, place it squarely in relativism and wait for those in elite academia to tell us what's right tomorrow. He stated this is an abomination as an American citizen who values freedom and liberty.

Richard Tiffany, 105 North Willow stated Arkansas is one of two states that doesn't have a Civil Rights Commission at the state level. He stated this bill would show there is a need for one.

Rosa Edwards, Lee Street believes Fayetteville is one of the most open and tolerant communities. She stated Fayetteville has a long history of resolving issues peacefully and opposes the ordinance because it brings up divisiveness. She stated Arkansas may not have a Civil Rights Commission, but the states that do are facing significant legislation.

Charles Watson, 11 East Davidson Street stated his mission in life is to illustrate compassion as a pathway to peace and hope. He asked for the ordinance to be passed.

Rick Cochran, 571 North Cedar Ridge Lane stated there is backing coming from outside of our area for this type of legislation. He stated Fayetteville has been targeted as one of the towns they wish to try and persuade to enact this type of legislation. He asked for his freedom to be protected.

Debbie Beckerdite, Starr Drive stated the ordinance is dangerous to the First Amendment freedoms and discriminatory against people of faith. She stated it poses a threat to public safety and privacy rights. She asked for the ordinance to be withdrawn in its entirety.

Peter Tonnessen, 3500 Hearthstone Drive stated this ordinance appears to be a solution in search of a problem. He stated he has concerns about the definitions in the ordinance. He believes the ordinance is incredible overkill that attacks him in some of his most fundamental rights of religion, association and speech. He doesn't see the need for it in Fayetteville and asked for the ordinance to be rejected.

Anne Hanna Newell, stated we have a responsibility to our generation that is following us to make sure their rights are preserved and protected without policing them by an overreaching governmental official. She stated the City of Fayetteville has always listened to the will of the people.

Randy Alexander lives in Springdale, but part of his legislative district includes portions of Fayetteville. He stated the Bill of Rights guarantees individual liberties. He stated many of the issues are being debated over a difference of the idea of fairness and equality. He believes the city is inviting lawsuits. He asked Council to vote against the ordinance.

Rex Griffin, 2131 Honeysuckle stated Fayetteville is a great place to live. He asked if we are prepared to watch the mother of a five year old child be prosecuted for trying to protect the values she holds for her child or watch a pastor and his church be prosecuted for believing differently than others. He stated much of what we are discussing tonight are not issues of equality, but of morality. He stated that no one here tonight has said anything about wanting to see people discriminated against, but no one should be given a special class of rights that would supersede other people's individual liberties.

Alderman Petty stated everybody feels passionately about this and appreciates that. He stated he would like to make some amendments to sections 119.02, 119.06 and 119.07. He read the proposed amendments.

Alderman Petty moved to amend section 119.02 Definitions, 119.06 City Services, Facilities, Transactions and Contracts & 119.07 New Subsection (I) of the ordinance. Alderman Long seconded the motion.

Alderman Petty Amendments:

119.02 Definitions

(E): Revise to read: "Employee" means any individual employed by a covered employer.

119.06 City Services, Facilities, Transactions and Contracts:

(A): Revise to read: The City of Fayetteville and all of its employees are bound by the provisions of this chapter to the same extent as private individuals and businesses.

119.07 General Exceptions

Add a new subsection I as follows:

(I): Nothing contained in this Chapter shall be deemed to require any religious or denominational institution to open its sanctuary or chapel to any individual or group for any ceremony including but not limited to weddings, funerals, confirmations, or baptisms that do not align with that religious or denominational institutions statement of faith or beliefs. (This amendment was amended later in the meeting).

Jeremy Flannigan, Pastor of Pathway Baptist Church, 1736 North Cannondale Drive stated there is not any amendment that will comprehensively fix the major flaws in this ordinance. He stated you can make as many list and exceptions as you want, but eventually there will be something that we would be required to do that would go against what we want to do. He believes the amendment falls short of protecting all people.

Mayor Jordan: The attempt is to make an amendment or it stays like it is.

Jeremy Flannigan: If the Council votes for the amendment, I still see the Council voting for a bad law. A vote for an amendment to try and carve out a niche for churches is still a vote for a bad law and a vote that will infringe on individual liberties of faith.

Mayor Jordan: I want to be sure. You are against the amendments?

Jeremy Flannigan: I am against both.

Alderman Petty: I don't expect anybody who spoke tonight against this to support this ordinance because of this amendment.

Emile Phaneuf, Fayetteville citizen stated it still is what it is.

Duncan Campbell, stated he appreciated the attempt to fix the ordinance, but nothing is going to fix it.

Alderman Petty: Mayor, I move we call a vote on the amendment.

City Attorney Kit Williams: You can move for immediate vote and it requires a two thirds vote of the Council. It requires a second before you can get to a vote.

Mayor Jordan: So we have any discussion among the Council?

City Attorney Kit Williams: No, it is an immediate vote.

Alderman Petty: May I ask a point of order then? I thought a move to call the vote required a vote to vote.

City Attorney Kit Williams: That is what it does. It requires a two thirds vote in order to cut off discussion and get to the vote. What you would be doing is ending discussion. This is what this initial vote would be.

Alderman Tenant: Matthew, just so I understand you are wanting to end public comment?

Alderman Petty: I think we are hearing that this amendment isn't going to fix it and we are going to hear that over and over again. I don't think we are having substantial discussion on the amendments themselves.

Alderman Petty called for a vote on the amendment and end public comment. Alderman Kinion seconded the motion. Upon roll call the motion failed 5-3 Alderman Gray, Marsh, Kinion, Petty and Long voting yes. Alderman Tennant, Schoppmeyer, and Adams voting no. (To call for a vote on the amendment and end public comment a vote of two thirds of the Council was needed, which was not received therefore the motion failed.)

City Attorney Kit Williams: That is five affirmative votes so Mayor you have a right to vote if you want to break the tie.

Mayor Jordan: I am going to listen to the public.

Michael Collins, 1625 North Giles Road spoke in opposition of the amendments.

Doug Paschal, 18518 Duncan spoke in opposition of the amendments.

Valerie Biendara, Fieldstone Avenue spoke in opposition of the amendments.

Gladys Tiffany, Director of Omni Center for Peace, Justice and Ecology spoke in favor of the amendments.

Wendy Campbell, 1208 West Rutledge Lane requested to hear the amendments again.

City Attorney Kit Williams read the proposed amendments.

Wendy Campbell: Did this proposed amendment come forth because of the problems with the ordinance that we first discussed?

City Attorney Kit Williams: Yes, this was an extremely long ordinance. You wouldn't believe how long it was when it first entered my office. It was a model ordinance drafted by the Human Rights Commission and it had many pages and sections, some of which we needed to remove because they were not properly legal or constitutional in my opinion. Being as long as it is, there are still refinements that need to be made. There were some good points made tonight and that is one of the reasons I am going to propose to the City Council another amendment once this one is voted on.

City Council, whether you approve this law overall or not, it should be made as constitutional and legal as you can make it, even if you eventually are going to vote it down. It makes no sense to say it's a bad law, let's keep it bad because then we will have to vote it down. The overall tenor of this is you can vote it down if you want too or vote it up. I am not a proponent of this or an opponent of it, I am just the attorney. I do recommend it be made as good as possible before you actually come to a final vote.

Wendy Campbell stated she wanted to make sure when talking about religious institutions that it included mosque, synagogues and churches and that all these people have a constitutional right to decide how their facilities will be utilized.

City Attorney Kit Williams: You might ask our representatives of the state whether they ever have amendments to any of their bills that come forward. At the city level we amend ordinances frequently because we look at them, hear from the public, react and try to make the ordinances better.

Wendy Campbell spoke in opposition of the amendments.

Larry Little, Pastor Westridge Freewill Baptist Church, 4596 West Wedington spoke in opposition of the ordinance and the amendments.

Alderman Long: I didn't really understand. Did you think the amendment is a good idea or do you think that the ordinance is better without it?

Larry Little: I think the ordinance as it's currently written is one of the most horrible ideas devised by political officials. The amendments as they are currently written are just as bad an idea.

Becky Heppner, Calvary Chapel, 385 Sunbridge spoke in opposition of the amendments.

Tony Blansett, Grove Avenue spoke in opposition of the amendments.

David Garcia, 257 Thompson Avenue spoke in favor of the amendments.

Bob Ballinger, Hindsville resident and State Representative for the Eastern part of Washington County spoke in opposition of the amendments.

Alderman Adams: What is a statement of faith to an administrator that is administrating this law if it was to pass? Having been in several denominations, I kind of know what the statement of faith is.

City Attorney Kit Williams: A statement of faith or beliefs is a term that was intended to be very broad. It would be something the church or synagogue would basically have a disagreement with. When an ordinance is drawn that is potentially called a penal ordinance, if you violate it then you can be prosecuted by the City Prosecutor and face a big fine. It is always construed in favor of the individual and against the government. This was intentionally drafted to be very broad so we wouldn't have the kind of problems that you are thinking about.

Bob Ballinger: Any time you are taking away some sort of thing that would be interpreted as civil liberties, they tend to interpret those new laws in favor of more liberty. You would be forced into the situation as a church trying to demonstrate what our statement of faith is. If you don't have a written statement of faith, then at that point how do we demonstrate what our statement of faith is?

City Attorney Kit Williams: This is something that would actually never come up. The only time this could possibly come up is if the group came to your church and said they wanted to use your chapel and your congregation felt like that was not appropriate. They could potentially come and complain to the Civil Rights Administrator who will try to mediate and see if there is any issue on that. I think it would be very easy for your church to say that it is beyond our statement of faith and beliefs to have them using our chapel. That's as far as it would go.

Bob Ballinger: I understand that is your point. If you were the administrator you would probably be very reasonable. We don't know who we are granting that power and authority too. You have to define what statement of faith is before you move forward.

City Attorney Kit Williams: It says statement of faith or beliefs. It would be pretty easy for the church to say our beliefs are not that this group should use our chapel. The Civil Rights Administrator has no power. The Civil Rights Administrator has power to investigate and potentially say you have a good claim to go to the City Prosecutor. The City Prosecutor has complete discretion about whether or not he can prove beyond a reasonable doubt that someone has violated this.

Bob Ballinger: As soon as a person is brought to court and they have chosen to decide whether this is going to proceed to the point where a City Prosecutor can bring it to court, you will have already had to retain an attorney. You would have to come up with some way to demonstrate this is not within your belief system. You put the burden on an institution of worship.

Alderman Long: Do you think the amendment would be better if it left out statement of faith and just said beliefs?

Bob Ballinger: I think the amendment would be better if it left out statement of faith and beliefs.

Rosa Edwards, Lee Street spoke in opposition of the amendments.

Alderman Adams: What designates or what requirement constitutes a religious or denominational institution?

City Attorney Kit Williams: We chose the broadest terms we could for any religious institution so that all of them would be protected. If you can think of a broader term, you could suggest it and we will make it an even broader term. We tried to choose a term that would be understandable.

Alderman Tennant: A lot of times on amendments like this, whether I agree with a lot of them or not, it is good to get to a final document to vote on. For us to get to a final thing to vote on, I think we need to write it in a final way. It may take weeks or months of fixing it.

Alderman Long: As Chair of the Ordinance Review Committee we see ordinances that are all over the place and we try to bring them together to where we think we can reach some kind of consensus, no matter if it passes or not.

Alderman Marsh: I think the amendment is good and addresses a lot of the concerns. It is put forth in the spirit of getting along and trying to respect each other's beliefs while also protecting the rights of people to employment, housing and public accommodation. I will be voting in support of the amendment.

Alderman Adams: There are three sections of amendments. In 119.06 (B), would you explain all contractors doing business with the City of Fayetteville shall comply. All contractors doing business in the City of Fayetteville are not all City of Fayetteville businesses. How will this be managed?

Alderman Petty: I don't know how it will be managed. I don't run the city. We have explicit authority over who we choose to do business with and requiring them to comply with some of our laws is something very typical of other cities of all level of governments.

Alderman Adams: You would add some type of sentence to the process as we select contractors to see that they comply with this new law.

Alderman Petty: I presume so.

Alderman Gray: It seems like to me that it would just be complaint driven.

A discussion followed about a non-discrimination statement for contractors to comply with.

Don Marr, Chief of Staff: The topic you are talking about is actually not within the current amendments. Either you need to make an amendment that talks about changing that contractors section or you need to do that as a next amendment to maintain point of order.

A discussion followed regarding an amendment to section 119.07 of the ordinance and adding this additional amendment to the current amendment on the floor.

Alderman Adams moved to amend the amendment to section 119.07 (I) that was on the floor and add an additional amendment to section 119.07 (I) to add “or association” and remove “that do not align with that religious or denominational institutions statement of faith or beliefs”. Alderman Long seconded the motion.

City Attorney Kit Williams: How about or association so you can include them both?

Alderman Adams: I don’t like the word institution. I think if a group of people associate together and call themselves a religious or denominational group, I am suggesting association as a change.

A discussion followed regarding the terminology of the amendment.

Michael Collins spoke in opposition of the amendment.

Paul Phaneuf spoke in opposition of the amendment.

Alderman Marsh stated she thought the amendment was getting too broad.

Revised Amendment

119.07 General Exceptions

Add a new subsection I as follows:

(I): Nothing contained in this Chapter shall be deemed to require any religious or denominational institution or association to open its sanctuary or chapel to any individual or group for any ceremony including but not limited to weddings, funerals, confirmations, or baptisms.

Upon roll call the motion to amend the amendment passed 7-1. Alderman Marsh voting no

Alderman Petty’s motion to amend section 119.02 Definitions, 119.06 City Services, Facilities, Transactions and Contracts & 119.07 New Subsection (I) of the ordinance as amended by Alderman Adams passed unanimously.

City Attorney Kit Williams: Thank you to Reverend Flannigan who emailed Alderman Long, who forwarded the email to me. I read his email and I looked back at section 119.05 (A.2) and the concerns Reverend Flannigan had were well taken. I want to confirm to him that churches are covered by many parts of this ordinance through public accommodations section. This particular subsection two goes too far in the way it is like a prior restraint on freedom of expression which is always frowned upon by the courts. I would recommend this subsection two be removed in full and 119.05 would have no sections, but have the remaining language that is now in (A.1).

Alderman Adams moved to amend the ordinance to remove 119.05 (A)(2). Alderman Long seconded the motion. Upon roll call the motion passed unanimously.

Amendment to Remove 119.05 (A) (2): To print, publish, circulate, post or mail, directly or indirectly, a statement, advertisement or sign which indicates that the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of a business establishment or place of public accommodation will be unlawfully refused,

withheld from or denied an individual, or which indicates that an individual's patronage of, or presence at, the business establishment or place of public accommodation is objectionable, unwelcome, unacceptable or undesirable, unless the denial of the goods or services is required by state or federal law.

Alderman Petty: I have a deep respect for our City Attorney's opinion. I appreciate him bringing these things to our attention and I always try to follow his advice.

Emile Phaneuf: It is still lipstick and still a pig.

Jeremy Flannigan spoke in favor of the amendment, but is against the whole ordinance.

City Attorney Kit Williams: The intent of the ordinance was to be very broad, but it's actually been narrowed.

Alderman Petty: There is this idea there isn't discrimination or because I as a sponsor of the ordinance won't point to something specific, that it is not needed. This idea that I am going to either disclose someone who has lodged a complaint and expose them to public scrutiny or expose a business or another association that has had an alleged complaint to public scrutiny is a farce. I would not do that. I think this ordinance is needed because there is discrimination here and I am against it.

Alderman Marsh: I am ashamed there is so much darkness in the hearts of this community. I had no idea there were so many people eager to discriminate or protect their right to discriminate. What I saw were young people that were sitting at these first two seats, people of color, people from different religions, different cultures and different genders and they left after hearing the hateful statements from people in this community. I want to let the citizens of Fayetteville know that your elected representatives want to hear from you and we need to speak out for compassion, tolerance and against discrimination.

This ordinance was amended and left on the Second Reading.

New Business:

RZN 14-4763: Rezone (Southeast Corner Gregg Ave. & Ash St./Candlelight Place Apts.):

An ordinance rezoning that property described in Rezoning Petition RZN 14-4763, for approximately 0.94 acres, located at the southeast corner of Gregg Ave. and Ash St. 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. The Planning Commission voted unanimously in support of the request. Staff is recommending approval of the request.

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 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 5701 as Recorded in the office of the City Clerk.

ADM 14-4720 (Updates to the Drainage Criteria Manual and UDC Amendments): An ordinance to amend §156.04 Stormwater Drainage and Erosion Control; Chapter 169 Physical Alteration of Land; Chapter 170 Stormwater Management, Drainage and Erosion Control, and Chapter 179 Low Impact Development of the Unified Development Code.

City Attorney Kit Williams read the ordinance.

Sarah Wrede, Staff Engineer gave a brief description of the ordinance. The manual and ordinance revisions were recommended unanimously by the Planning Commission and the Environmental Action Committee.

Alderman Gray: This is a very large problem in our city. All of us get calls about this all the time. I appreciate that staff is trying to make it better.

Mayor Jordan: They have done an excellent job on this. It is something we have wanted to do for a while.

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 5702 as Recorded in the office of the City Clerk

2015-2019 Capital Improvements Plan (CIP): A resolution to adopt the 2015-2019 five-year Capital Improvement Plan.

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

Alderman Long: I have emailed several different department heads about different things in the budget and I haven't heard back yet. I would like to ask Council to table this until August 19th.

Alderman Long moved to table the resolution to the August 19, 2014 City Council meeting. **Alderman Tennant** seconded the motion. Upon roll call the motion passed unanimously.

This resolution was tabled to the August 19, 2014 City Council meeting.

City Council Agenda Session Presentations:

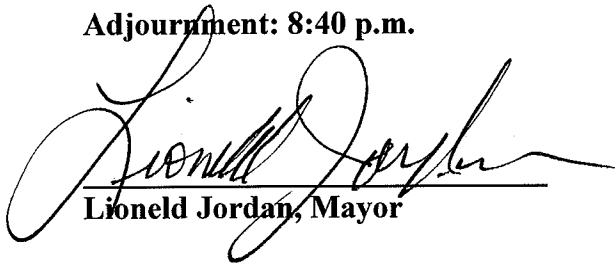
Discussion of the Capital Improvement Plan – Paul Becker, Finance Director

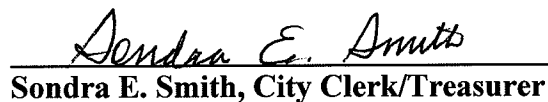
City Council Tour: None

Announcements:

Don Marr, Chief of Staff: The last Gulley Park concert is Thursday, August 7, 2014 at 7:00 p.m. It is the Ben Miller band.

Adjournment: 8:40 p.m.


Lioneld Jordan, Mayor


Sondra E. Smith, City Clerk/Treasurer