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 Sondra E. Smith

City of Fayetteville Arkansas
City Council Meeting
September 02, 2014

A meeting of the Fayetteville City Council was held on September 02, 2014 at 5:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

PRESENT: Alderman Adella Gray, Sarah Marsh, Mark Kinion, Matthew Petty, Justin Tennant, Martin Schoppmeyer, Rhonda Adams, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items: None

Agenda Additions: None

Consent:

Approval of the August 18, 2014 Special City Council meeting minutes.

Approved

Evans Construction and Remodeling, LLC 1314 S. Ellis Avenue: A resolution to authorize a contract with Evans Construction and Remodeling, LLC in the amount of $24,990.00 for Community Development Block Grant rehabilitation of an eligible residence located at 1314 S. Ellis Avenue.

Resolution 158-14 as recorded in the office of the City Clerk.

Evans Construction and Remodeling, LLC 1628 N. Broadview Drive: A resolution to authorize a contract with Evans Construction and Remodeling, LLC in the amount of $32,065.00 for Community Development Block Grant rehabilitation of an eligible residence located at 1628 N. Broadview Drive.

Resolution 159-14 as recorded in the office of the City Clerk.

Bid #14-36 Lewis Ford Sales, Inc.: A resolution to award Bid #14-36 to Lewis Ford Sales, Inc. of Fayetteville, Arkansas for the purchase of a Ford F250 pickup truck with deerskin animal control body in the amount of $51,415.02 for use by the Animal Services Division, and to approve a budget adjustment.

Resolution 160-14 as recorded in the office of the City Clerk.

Bid #14-38 Kraftsman, Inc.: A resolution to award Bid #14-38 and authorize the purchase of one (1) DD50T 50 ton tri-axle trailer from Kraftsman, Inc. in the amount of $33,500.00 plus applicable taxes for use by the Transportation Division.

Resolution 161-14 as recorded in the office of the City Clerk.

Bale Chevrolet: A resolution to approve the purchase of one (1) 2015 full size Chevrolet 2WD utility vehicle from Bale Chevrolet in the amount of $23,179.00, pursuant to a state procurement contract, for use by the Police Department.

Resolution 162-14 as recorded in the office of the City Clerk.

2014 Justice Assistance Grant Local Solicitation Award: A resolution to authorize acceptance of a 2014 Justice Assistance Grant Local Solicitation Award in the amount of $79,392.00, $32,311.00 of which will be used by the Fayetteville Police Department, with $31,069.00 to be disbursed to the City of Springdale and $16,012.00 to Washington County, and to approve a budget adjustment.

Resolution 163-14 as recorded in the office of the City Clerk.

Daniel Spencer Property Exchange: A resolution to approve an equal property exchange of about six acres with Daniel Spencer, to authorize the acquisition of easements necessary for construction and operation activities pertaining to the Lake Sequoyah sediment removal project, to authorize Mayor Jordan to execute the necessary deeds and to approve a lot line adjustment.

Resolution 164-14 as recorded in the office of the City Clerk.

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

Unfinished Business:

2015-2019 Capital Improvements Plan (CIP): A resolution to adopt the 2015-2019 five-year Capital Improvement Plan. ***This resolution was tabled at the August 5, 2014 City Council meeting to the August 19, 2014 City Council meeting. This resolution was tabled at the August 19, 2014 City Council meeting to the September 02, 2014 City Council meeting.***

Paul Becker, Finance Director gave a brief description of the resolution. He stated the plan is $112 million for the five year period. He stated there was an adjustment made from the original presentation because we approved purchasing additional property for Gulley Park at the last meeting so the plan was reduced by $700,000 to purchase that property. We are going to make a $700,000 commitment this year to purchase the property therefore we took out $700,000 which was identified for Gulley Park in the 2015 budget.

Alderman Petty moved to approve the resolution. Alderman Long seconded the motion.

City Attorney Kit Williams: That is with the addition Paul just spoke about and handed out tonight.

Upon roll call the resolution passed unanimously.

Resolution 165-14 as recorded in the office of the City Clerk.

VAC 14-4780 (1414 S. Happy Hollow Road): An ordinance approving VAC 14-4780 submitted by Blew & Associates for property located at 1414 S. Happy Hollow Road to vacate existing street right-of-way. ***This ordinance was left on the First Reading at the August 19, 2014 City Council meeting.***

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.

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

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 5706 as Recorded in the office of the City Clerk.

VAC 14-4777 (McConnell and Drake): An ordinance approving VAC 14-4777 submitted by Jorgensen & Associates for property located at the northeast corner of McConnell and Drake to vacate an existing street right-of-way and portion of a utility easement. ***This ordinance was left on the First Reading at the August 19, 2014 City Council meeting.***

Alderman Petty 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.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff and the Planning Commission recommend approval of this item.

Alderman Tennant 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 5707 as Recorded in the office of the City Clerk.

New Business:

RZN 14-4793 (Southwest Corner of N. Steele Boulevard and W. Joyce Boulevard/CMN Business Park): An ordinance rezoning that property described in Rezoning Petition RZN 14-4793, for approximately 14.01 acres, located at the southwest corner of Steele Boulevard and Joyce Boulevard from C-2, Thoroughfare Commercial to C-3, Central Commercial.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is recommending approval and the Planning Commission unanimously voted in support of the request.

Fran Alexander, Fox Hunter Road: What would happen in the lot line building in this rezoning to the green space and areas for trees along the streets?

Jeremy Pate: The development regulations don't change for that. You still have to provide the minimum percent tree preservation canopy. Your minimum green space requirements along the street, planting of trees, things of that nature. You still have to maintain those requirements.

Fran Alexander: You said it was similar to the Downtown. When you can build out to the lot lines you're not leaving much room for trees along there. I would hope that has been addressed. I don't know if the Urban Forester has had any input on the survivability in the space that would be left along the street.

Mayor Jordan: We will look into that Fran.

Alderman Tennant 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 Tennant moved to suspend the rules and go to the third and final reading. Alderman Gray seconded the motion.

Alderman Adams: Jeremy, could you talk about what Fran said and help me to understand?

Jeremy Pate: I think the question is related to the ability for planting of trees. This site is entirely devoid of any trees currently. It was developed with CNM Business Park. I think she is speaking to the planting of trees. Often times in downtown you will see wider sidewalks, structural soil and trees planted within the sidewalks. Mrs. Alexander has expressed concern about that in the past. This is not really that specific type of development. This requires the green space along the sidewalk between buildings and sidewalk. It does allow for diminished setbacks, but it's not exactly like the Downtown. It is not a build to line where you can build right up to the property line. It still does have building setbacks with the zoning. It is not a build to zone, so the flexibility there for the Urban Forester to work with the developer remains there as part of the ordinance.

Alderman Adams: We don't have specific tree guidelines on this?

Jeremy Pate: Sure, it is part of Chapter 177 Tree Preservation Ordinance and Chapter 172 which is the Parking Lot and Landscaping Requirements.

Alderman Adams: Nothing is exempt?

Jeremy Pate: That's correct. All of these are still in place for this site.

Alderman Tennant: I walked down there to it and there is nothing there right now tree wise. Anything that goes in there will have to follow the rules.

Alderman Adams: There is no exemption what so ever?

Alderman Tennant: From what I understand there is not. I think a developer will improve that compared to what is there now.

Alderman Long: Mrs. Alexander, did Jeremy's comments address what you were interested in specifically?

Fran Alexander: The main thing is to see it on paper. We have had a lot of tree plans for crowded areas that are really not conducive to true tree survival. That is the reason I asked whether the Urban Forester had looked at this and addressed whether or not this ordinance would hurt or make it more difficult.

Alderman Long: Mr. Mayor, would it be possible hold this on this reading until we have checked with the Urban Forester?

Mayor Jordan: That will be up to the Council members that made the motion.

A discussion followed about leaving the ordinance on the second reading.

Alderman Tennant: There are no trees there. Fran's point is a good one because you are going to have to plant them there and you have got to make sure you do it the right way. We will do that through the development and planning stages of it. We have opened up that area now because of the flyover. We're seeing a lot of growth.

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 5708 as Recorded in the office of the City Clerk.

AIT Services, Inc.: An ordinance waiving the requirements of formal competitive bidding and approving the purchase of repair parts from AIT Services, Inc. for the thermal dryer located at the Biosolids Management Site in the amount of $48,300.00 plus applicable taxes.

City Attorney Kit Williams read the ordinance.

Billy Ammons, Regional Business Manager, CH2M Hill gave a brief description of the ordinance.

Mayor Jordan: Mark, did this go through your committee?

Alderman Kinion: Yes, we didn't have a quorum, but we discussed it. The main thing is to realize how successful our biosolid management has been, saving $993,000 already and diverting the biosolids mass from landfills. We certainly want to keep it operational. It is a big operation and it's impressive. It's costly to operate, but what we are saving is more than paying for it. This is something the City of Fayetteville can be very proud of and an investment of $43,000 so we don't have any lag time is important.

Alderman Adams: Thank you Billy. I remember when you and Sarah Lewis were explaining this to us and I'm glad this has been so successful. I'm glad I was a part of the vote to get this going.

Don Marr, Chief of Staff: The key factor in this is the four and a half month lead time and that we would have a budgetary impact in terms of dealing with biosolids in a different manner if we weren't able process it using this operation.

Alderman Marsh 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 Marsh 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 5709 as Recorded in the office of the City Clerk.

Botanical Garden Society of the Ozarks, Inc.: A resolution to approve the Botanical Garden Land Lease Agreement with the Botanical Garden Society of the Ozarks, Inc.

Byron Humphry, Parks Maintenance Superintendent gave a brief description of the resolution. He presented maps showing images of the existing lease boundary and the proposed lease.

Don Marr, Chief of Staff: The entry in terms of the new, to be constructed trail parking area, is not limited just to trail access. It is a secondary Garden access into expanded areas and can't be limited by either organization to cut it off from the other. On the Master Plan it even designates that as additional Garden entrance, it just so happens we access our new parking trail area off of that.

Alderman Marsh: Byron and Connie presented to the Environmental Action Committee on this project. They recommended we look at the environmental impact, the cost burden to ensure it is adequately distributed among the stakeholders, educational opportunities are fully developed and the highest trail usability is incorporated into the trail relocation and boardwalk construction.

Byron Humphry: I believe that was the motion of the Environmental Action Committee. I think we addressing those things. I am not sure about the suggestion about the cost burden of the boardwalk. We were assuming the cost burden would be the cities, because if the lease boundary is approved, the trail is located within the city property.

Don Marr, Chief of Staff: The city and the trail users have had the benefit of a bridge crossing that has been funded by the Botanical Gardens Association, not by the city for the current crossing. We have deferred that cost for the entire time we have had the use of that. We don't feel it is a safe operation to utilize equipment crossing for that area, which is the other reason it is being recommended that we do it. In the Mayor's office one of the primary concerns we've heard is that the new crossing be established before the old crossing is vacated in the fee restricted area. This is something we believe we can work with the members of the Garden to make sure it takes place so we don't lose any access around the lake.

Robert Rhodes, Law firm of Hall Estill: I represent the Botanical Gardens. Early on I was a supporter of the Botanical Garden and then when I got on the City Council I supported them and introduced some ordinances that benefitted them. I feel the need to correct something. At the Parks and Recreation Advisory Board I made the statement that it was 251 feet that was being moved, that's the area of trail being moved. I have learned today I was wrong. It is actually 750 feet. That is my error, not the Gardens error.

Linda McMath, Botanical Garden Board Member: I would like to refer you to a letter in your packets from the Master Gardeners. The Botanical Garden is very important to the Master Gardeners Association and they want you to know how much they favor this plan.

I want to share with you how the Master Plan supports the educational mission of the Garden. A botanical garden is different than a public park in several ways. A city park is a wonderful place for relaxation and enjoyment of nature. A botanical garden goes beyond an open space solely dedicated to the enjoyment of the outdoors. A botanical gardens mission includes educating its guest about horticulture and conservation. At the BGSO you see events that bring our communities together and add to our enjoyment of the outdoors and nature.

Our educational programs for children and adults include a wide range of topics. Working with school systems throughout Northwest Arkansas the BGSO welcomed 10,880 students to the Garden in 2013. The Master Plan for the BGSO is a 15 year multi phased project. The plan includes eight new gardens, three parking lots and five buildings. The Board accessed our needs for expansion and development based on programs the BGSO was offering. The large numbers of children and adults who come to us for classes exceeds the capacity of our current facility. A building dedicated to education was needed to meet the increasing needs of this community. Having a building dedicated to education and the specific gardens that support it became the focus for phase one of this Master Plan. The Master Plan you see tonight supports the education role of the Garden. It expands the cultural and economic impact of the Garden on a vibrant community like Northwest Arkansas for generations to come. I speak for the Board of Directors when I say we appreciate the support of the City Council and the citizens of Northwest Arkansas as we go forward with growing the Garden.

Bill Schwab, U of A Sociology Professor and Botanical Garden Board Member: Fayetteville is a remarkable place because it has a sense of place. That sense of place in large part came about because of decades of decisions you have made as a Council for the common good of all our residents. It has had a profound impact upon our quality of life. The Botanical Garden carries a community building function. It is a space where we come together to make community and raise the quality of life of all residents.

You are faced with a decision that will affect the trajectory of the Gardens for generations to come and the quality of life for this wonderful community. You have provided us with the funds to finish our building and to build a parking lot. We have used your money wisely and well. We have raised millions of additional dollars to build the Garden and do the day to day operations of the Garden. If you look at our Master Plan, every phase of that plan is in the common good of the residents of the City of Fayetteville. I urge you to make the decision that is in our communities common good and approve our new lease.

Robert Rhodes went through the 2003 lease and did a comparison to the current lease that is before the City Council to approve. Mr. Rhoades stated not in the current lease, but in response to Alderman Marsh's committee, the Botanical Garden and what it plans as far as enhancing its educational opportunities the Garden hits it out of the park. That's not just for children, but for adults as well. Trail users are benefited by the fact that there are restrooms and parking lots they can use. The Botanical Garden desired to have the trail go underneath and a very large compromise was made by the Garden to move it where it currently is. People ask why the Botanical Garden can't move it further to where we don't have to move the trails. The bridge the Garden built is built a lot different than most trail bridges. It was built to withstand the weight of a cement truck or construction of this new phase of the Garden as well as dump trucks for continued maintenance of the Garden. I don't believe it is a good idea to have walkers, bicyclist and joggers trying to use that bridge while there is construction going on. That is one of the reasons why the Garden has asked that boundary be where it is. The Garden will not be open 24 hours a day like the trails. If you have that bridge that the Garden needs to use for its purposes, then at some point they are going to need to close the bridge in order to close the Garden down for the evening and the city will not be able to do that. The field to fork garden is one of the areas we have asked the new path to be put further toward the lake. That is for the benefit of the children who are coming to the Garden to learn how to grow their own food and they need as much room as possible. It is the most fertile soil that we have in our lease possession.

Stephen Schneider, Regional Director at International Mountain Bicycling Association: My hope is if the BGSO Master Plan is approved, you will consider amendments to this vote requesting jurisdiction determination or environmental impact study as well as a cost analysis of a boardwalk and bridge professionally done on the wetlands of the Master Plan. Let's try to help the Botanical Garden Society of the Ozarks expand and at the same time keep this trail open and create a happy environment for this city and its taxpayers.

Karen Willard, Brentwood AR: I am a graduate student at the U of A studying wetland ecology and a board member of the Lake Fayetteville Watershed Partnership. Our mission is to enhance and preserve the watershed of Lake Fayetteville. The idea of having children grow their own food is a wonderful idea. Lakes and watersheds are all in constant stress either by nutrient input,

deforestation and other factors. The City of Fayetteville and Botanical Gardens have an opportunity to act as leaders for environmental stewardship as well as development. We could consider the use of more pervious materials for building parking lots and sidewalks. We could reconsider building directly on the wetland. Although there is a corridor that has been expanded, wildlife do not always use corridors.

Doug McKinney, Fayetteville resident and Leader of Northwest Arkansas Hiking: Thank you to the Botanical Gardens for giving back over half of their original lease area. The Ozark Off-Road Cyclist spent a lot of effort building many trails in this area and it is great to know these trails will not be affected by any future growth by the city. On behalf of all bike riders I want to express my appreciation to the Botanical Gardens for this gesture of good will. Thank you to the Parks Department for their excellent rerouting of the trail to accommodate the Botanical Garden Master Plan. We recognize the relationship between the City of Fayetteville and the Botanical Gardens has not only brought another source of beauty to our community, but also millions of dollars of revenue. Thank you to the City of Fayetteville for your vision. I urge you to vote for Fayetteville tonight and to approve the Botanical Garden Master Plan.

Chuck Maxwell, Parks and Recreation Advisory Board and Ozark Off-Road Cyclist Trails Coordinator: I would like to present you with the IMBA award from the World Summit. Fayetteville was recognized as a bronze ride center. The city is now recognized within the international mountain biking community as a place to come and ride. Part of that is specifically due to this trail as a beginner riders trail system.

I believe the citizens of our community deserve priority access to Lake Fayetteville and its natural resources. It includes improvements to the original soft surface trail system. The update trail should follow best practice in sustainability. A trail without incurring additional expenses to the citizen in order to satisfy the Botanical Garden Society of the Ozarks. I am disappointed in the BGSO response to the whole process. BGSO missed a great opportunity by not listening to user groups, finding a way to incorporate the trail system into greater connection with the Garden and only following a myopic exclusionary view of BGSO Master Plan. I would like to see the BGSO re-conceptualize its Master Plan with the citizens' use and the natural environment best interest as priorities.

David Orr: I am here to speak on behalf of water quality, protection of the natural and native plant communities, and the wildlife that utilize this park area. In the last year there has been construction on the highway. I have repeatedly contacted the State Highway Department and the ADEQ about violations of water quality. I know the Botanical Garden brings value and joy in educational benefits to the city and visitors. If ADEQ tells me I'm the only person calling to turn in these contractors for polluting the creek and dumping their sediment, then there is not enough attention being paid to protecting the environment for Lake Fayetteville. Are there no other places in Fayetteville where you can put a garden that isn't on one of the most sensitive parkland oriented watershed areas? I would like to see Council in the future look at what are the likely request we are going to be having for use of our parkland. There is a group of people who are well meaning and are doing great services for the community and I am behind that, but their agenda is driven in part by the fact that they are already there. When they want to expand, they want to expand on the land that is currently environmentally sensitive landscape. If you approve this, make a commitment

to the residents of this city that if you are going to allow development of this amount of parkland, you will commit to preservation in a natural state of twice that many acres that is not currently protected.

Alderman Long: The Botanical Garden has to follow our Streamside Protection ordinance in Fayetteville. I didn't know if you were aware of that.

David Orr: I understand that, but they are talking about a lot of construction. The Streamside Protection ordinance is a very narrowly defined ordinance.

Alderman Long: You mentioned the construction along Highway 265 and we as a Council did send a resolution last year to the Arkansas Highway Commission requesting they follow our water quality standards.

David Orr: I was the one who brought that to you. I appreciate you all doing that, it meant a lot. You are probably the only City Council in the history of Arkansas that has ever asked the State Highway Department to follow environmental laws.

Blair Johansen, 3332 Picadilly Lane: The Garden has been able to grow and complete its mission of being an education facility and a social venue for our community. It doesn't seem to me we have rushed into anything. It has been preplanned and they have worked very closely with the parks staff and the city to reach a compromise. From an investment and timing standpoint it is important that you move forward with the approval so the Garden can move forward with approaching investors and continue to improve the value of the property and the social venue it offers the community.

Phil Penny, Ozark Off-Road Cyclist President, 1245 East Columbus Boulevard: When you look at the lake trail there are several areas that are concerning. Where the new trail is proposed is going to be another 700 feet or so of wetland. All together it is about 1,500 foot of wetland now. A lot of gardening now is a raised bed. People bring their own soils in and a lot of people use organic soils, especially when doing stuff for kids. When the new paved system was brought in we lost a trail and that was ok because we still had a trail system. Why can't we protect the one acre wetland area, save the tax dollars and work together on it?

Mayor Jordan: Did staff have somebody go out and look at the area?

Byron Humphry: We had Alison Jumper, Park Planning Superintendent, myself, Sarah Wrede, former Storm Water Engineer, Matt Mihalevich, Trails Coordinator, Ken Eastin, Urban Forester as well as Jeremy Pate.

Mayor Jordan: We decided we would just consider it all wetland. Correct?

Byron Humphry: Yes, for the purposes of cost. We assumed it would be considered a wetland and that is how we approached the Corp. I am not sure what the Corp will decide as far as what is their jurisdiction.

Mayor Jordan: You approached the Corp saying it is a 100% wetland?

Byron Humphry: No, I didn't give a judgment to the Corp. We asked the Corp about the area, what the process was and how likely we could build a boardwalk. He outlined the process for us.

Don Marr, Chief of Staff: The Corp does not currently have this designated as a wetland, although we expect that it would be if it was evaluated. The assumption from staff was that it would be 100% wetland for the purpose of any kind of construction plans that would be presented. In the observation of the Engineering staff, Trails staff and Parks Planning staff it was determined some of the current impact in this area through bike riding was actually damaging to this area and we should be considering construction plans that took that into account regardless of relocation or not. Parts of this trail were rutted.

Arkansas Game and Fish came because one of the items that was brought up was the wildlife corridor and the aquatic life impact of any relocation. We had request from some of the environmental groups this be as much as 350 feet away versus the initial inquiry which was 100 feet away. That is why we ended up, in this particular area, more in the 200 feet range with the advice of the Arkansas Game and Fish professional who came and looked at this area as well.

Tonight is the first time I have heard a number given to the actual construction of the trail. Until we understand what the actual Corp requirements will be, we are going on the assumptions of prior approvals we have received. Alison and Byron were guided and did not anticipate a significant issue in the construction of this area once the city presents plans.

Mayor Jordan: This is what you remember Byron?

Byron Humphry: Yes sir.

Phil Penny: I would like to see it approved, but one of the things I would add to the approval is let the Corp make its judgment.

Alderman Kinion: We have had two years of discussion on this and the hundreds of pages of information we have received has been balanced and fair. We have seen opinions on both sides that are very valid. There has been compromise as we moved forward and looked into this as presented to the City Council. I feel confident we can move forward with this information we have received regarding the proposal on both sides and looking at a balanced decision. There is an earnest consideration for the impact on the environment that we have on the lake and protecting the water quality. There are checks and balances in place right now that will allow us to move forward with caution, but also accept this as presented so we can be assured what we are doing in the future will not impact negatively the water quality or the environment here in this area of Lake Fayetteville. This is an important body of water in the heritage of our city and it is our secondary water source in case we need it. The information we received from outside government agencies such as Arkansas Wildlife have led me to believe we are moving forward responsibly. The additional information we have received internally from our staff has convinced me we have the opportunity to accept this proposal and to support the mission and the goal of the Botanical Garden.

It is without a question the value the Botanical Garden of the Ozarks brings to our city is truly a valuable commodity and one we have to move forward on. I will be supporting this.

Alderman Petty: I have been to the New York Botanical Garden and it is absolutely stunning. Ours is a lot younger than that, but one day it could be as impressive if we support and have a vision for it. The first time we had a lease come forward I was one of the first people to be against it. This is an important compromise. I remember the early days of the Lake Fayetteville Trail before it was in its current location and some of it needed to be moved. We have learned a lot on how to handle erosion, how to build trails and wetlands. We have an impressive group of volunteers because we have been working on this thing for so long. I hope this decision won't discourage them for continuing to put the same amount of effort into it. A boardwalk could be an attraction in its own right. It may not be ideal for mountain bikers, but the walkers might like it more. It might be easier for people who have a hard time walking to get out there on this section and get close to the water. I am going to support it because of the vison of the Garden and it may end up better in the long run for all the users of the trails.

Alderman Adams: A lot of us met with Walt Eilers about a year ago and looked at materials he had prepared in his dream and vision. I would like to thank Walt for his work on this and for helping to educate us on the vision he had for the Garden.

Alderman Gray: A volunteer that has given so many hours of work is Dr. Gerald Klingaman. I would like to recognize him and his great gifts he has given us at the Botanical Garden. I believe in the Garden and it has been so fun to watch it grow. For our children of Fayetteville to have unlimited access is a wonderful thing for them. I hope this compromise will be something we can all live with happily. I will be supporting this.

Alderman Long: Thank you to everyone who came to the table and participated in the process. It was a compromise and not everyone has had their goals met. Our city staff, Mayor's office, City Attorney's office and most of the aldermen have met with a lot of people. A lot of work went into this and it will be beneficial to the city in the long run.

Mayor Jordan: Thank you to Connie Edmonston, Byron Humphry, Alison Jumper, Don Marr, Kit Williams and Paul Becker. They have worked really hard on this. Thank you to Robert, Walt, OORC and environmentalist. This is not perfect, but it has gone on for two years. It was time for it to come to the Council where a decision can be made. Three months ago it was decided to bring it to the Council and it was a lot of hard work on everybody. I have long since been a supporter of the Botanical Gardens. It is truly one of the crown jewels of this city. I will always support the Botanical Garden. I support the Ozark Off-Road Cyclist and the environmental community. It was not easy, but this is what we got and I think we can work with this.

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

Resolution 166-14 as recorded in the office of the City Clerk.

City Council Agenda Session Presentations: None

City Council Tour: None

Announcements:

Don Marr, Chief of Staff: With sadness, Scott Huddleston our former Information Technology Director for the City of Fayetteville and long term employee battled a long illness and lost that battle this weekend. His funeral services will be on Thursday, September 4, 2014 at 2:00 p.m. A section is being held for city employees and elected officials. We express our sympathy and condolences to the family. Scott was extremely loved here at the city.

On Thursday, September 4, 2014 we have our Fest of All event that is in partnership with the First Thursday event. It is a celebration of all different cultures living in the Ozarks. Entertainment will be provided with a range of ethnic and cultural backgrounds. It will be at the Fayetteville Downtown Square beginning at 5:30 p.m.

The Mayor has scheduled a group input session by asking a group of citizens selected to provide input to the Civil Rights ordinance implementation. The meeting will be held in Room 326 at City Hall on Thursday, September 4, 2014 at 6:00 p.m. The public is invited to attend, but we will not be taking public comment. This is not a meeting to edit the ordinance or send it back to the Council. It is an input session much like the Mayor has done in seeking input on the Streamside Protection ordinance, parking deck ordinance and the paid parking program.

On September 9, 2014 at the Fayetteville Town Center will be the Annual Business Awards Breakfast to congratulate businesses in the community. It is a recognition by our Fayetteville Chamber of Commerce.

On September 9, 2014 at the Botanical Garden is Chefs in the Garden. We encourage citizens to participate.

This weekend is our first home football game at 3:00 p.m. at Reynolds Razorback Stadium.

Alderman Tennant: On Wednesday, September 10, 2014 in Room 326 at 5:00 p.m. we will have our Nomination Committee interviews.

Adjournment: 7:37 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer