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
December 2, 2014

A meeting of the Fayetteville City Council was held on December 2, 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, Deputy City Clerk Lisa Branson, 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 November 18, 2014 City Council meeting minutes.

Approved

A resolution to award Bid #14-62 and approve the purchase of a horizontal compost grinder from Rotochopper, Inc. of St. Martin, Minnesota in the amount of $446,600.00 plus applicable taxes for use by the Recycling and Trash Collection Division.

Resolution 206-14 as recorded in the office of the City Clerk.

A resolution to approve a budget adjustment in the total amount of $21,320.00 representing donation revenue to Animal Services for the second and third quarters of 2014.

Resolution 207-14 as recorded in the office of the City Clerk.

A resolution to approve Amendment No. 2 to the agreement with McGoodwin, Williams and Yates, Inc. for design services associated with the Recycling and Trash Collection Division office building expansion and site improvements in an amount not to exceed $47,527.00.

Resolution 208-14 as recorded in the office of the City Clerk.

A resolution to agree to the terms of the Fayetteville Natural Heritage Association's letter of October 9, 2014, proposing how it will invest and pay to the city $300,000.00 for the purchase and preservation of Mount Kessler Reserve.

Resolution 209-14 as recorded in the office of the City Clerk.

A resolution to authorize an agreement with the Northwest Arkansas Land Trust in the amount of $50,309.00, which will be paid by the Fayetteville National Heritage Association, to begin the process of establishing a conservation easement for the preservation of Mount Kessler Reserve.

Resolution 210-14 as recorded in the office of the City Clerk.

A resolution to approve a budget adjustment in the total amount of $22,529.00 representing donation revenue to the Yvonne Richardson Community Center for October 2014.

Resolution 211-14 as recorded in the office of the City Clerk.

A resolution to approve a one year lease with option to renew for seven years with the Area Agency on Aging of Northwest Arkansas with consideration for the lease of $1.00 per year, the provision of public recreation services to Fayetteville senior citizens and upkeep and maintenance of the Walker Park Senior Activity and Wellness Center located at 945 S. College Avenue.

Resolution 212-14 as recorded in the office of the City Clerk.

A resolution to approve the annual extension of the contract with Community Access Television, Inc. D/B/A Your Media in the amount of $105,000.00 for the provision of Public

Access Television Services and the operation of the Public Access Television Channel through 2015, contingent on approval of the 2015 Annual City Budget and Work Program.

Resolution 213-14 as recorded in the office of the City Clerk.

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

Unfinished Business:

A resolution to adopt the 2015 Annual Budget and Work Program.

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

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

Resolution 214-14 as recorded in the office of the City Clerk.

An ordinance rezoning that property described in Rezoning Petition RZN 14-4850, for approximately 4.96 acres, located along the north side of Martin Luther King Boulevard between Government and Hill Avenues, from I-1, Heavy Commercial/Light Industrial, to C-2, Thoroughfare Commercial.

Alderman Long 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 gave a brief description of the ordinance. Staff does not find the rezoning request compatible with the area. Planning Commission voted 8-0 against the rezoning.

Stephen Giles, Agent for Property Owner: We have taken feedback from the Council and Mayor's office about the project. We are trying to work that into a document we can present to you. We have been working diligently to get a Bill of Assurance, but we aren't completed with that tonight. We have made substantial progress about taking some of the more objectionable uses that are allowed in C-2 out of this particular development and to incorporate elements of your designs in your other districts that are not required in C-2. We want to put these in the project. We want to come back as soon as we can and work through this with Mr. Williams. We couldn't get a signed document to present to you tonight.

Alderman Kinion: Are you asking us to table this again?

Stephen Giles: No sir, just leave it on the second reading so we can come back with a document showing you what the project is going to be.

A discussion followed about the ordinance being left on the second reading to allow more time for the Bill of Assurance to be developed.

Alderman Gray: Does the Bill of Assurance stay with the property, just like the zoning does?

City Attorney Kit Williams: It is part of the zoning ordinance and it will remain as zoned, unless the City Council at a later date upon request, changes or deletes the Bill of Assurance or if the property is rezoned.

Alderman Gray: That is significant to me and to what I've heard are the concerns of the neighborhood.

Alderman Marsh: Most of the concerns I am hearing from the neighborhood is not about the use, but more about the form of the building. Citizens in that neighborhood want a Form Based Code because they want the building up to the street. The plan I am seeing does not reflect that. I will be specifically looking at the form of the project.

City Attorney Kit Williams: The Bill of Assurance that they offer has to be voluntarily offered. I can't tell them what to put in their Bill of Assurance.

Mayor Jordan discussed the rules for public comment.

Hank Kaminsky, Citizen stated the rezoning was not acceptable for the neighborhood. He stated if the Bill of Assurance provided aesthetic solutions, he would like to see that when it is ready.

Keith Burner, 574 South Block spoke in opposition of the ordinance.

Marian Kunetka, 706 South College Avenue recommended the zoning to be Urban Thoroughfare.

Alan Ostner, 312 South Block spoke in opposition of the ordinance.

Alderman Long: Would you prefer it to be zoned I-1 or C-2, because C-2 is a downzoning.

Alan Ostner: I wouldn't call it a downzoning. It is Industrial now. It's not like it is an exciting business with flashy signs and customers, but it is a business. There are businesses there that function today. Those jobs won't be there when this property is changed. I'm not sure that C-2 is a huge improvement.

Mayor Jordan: You would prefer Industrial over C-2?

Alan Ostner: If it's C-2 versus what it is today, I would prefer to keep it today. If C-2 can come in with concessions, then that's possible.

Alderman Marsh went over a list of possible businesses that would be allowed in the zoning of I-1. She gave examples such as a microbrewery, coffee roaster and artist workshops. She asked Mr. Ostner if those type of businesses would be more appropriate and compatible with the neighborhood than the proposed C-2.

Alan Ostner: Absolutely. We are Funky Fayetteville. An Industrial Zone that has those uses is what we are used too.

Edward Hejtmanek, Heartwood Gallery spoke in opposition of the ordinance.

Davis Trice, 208 North Stadium Drive spoke in favor of the ordinance.

Alderman Marsh: Do you want a grocery store to face the street or do you want students that don't have cars to walk across the huge parking lot to get to the big box store in the back of the parking lot?

Davis Trice: You are asking if the grocery store should be at the front and the parking lot at the back. I don't see Wal-Mart being in support of that kind of plan.

A discussion followed about zoning and uses and urban Wal-Marts that can conform to the expectations of neighborhoods and cities.

Brady Carmen, 440 South Locust spoke in opposition of the ordinance.

Angela Wisely, Ward 1 spoke in opposition of the ordinance.

Robert, 316 South Block spoke in opposition of the ordinance.

Colleen Pancake, 302 South Gregg Avenue spoke in opposition of the ordinance.

Johnny Chamberlin, 502 South Mashburn Avenue spoke in opposition of the ordinance.

Rachel Tubbits, 426 South Government Avenue spoke in opposition of the ordinance.

Suzanne Clark, 438 East Fairway Lane spoke in favor of the ordinance.

Adam Cox, 533 South Church: I could care less what business is there. It is pretty awesome to be able to walk to a grocery store. I would like for a big business not to come in and say they want to do this without conforming to what Fayetteville is striving to create.

Alderman Kinion: My concern is this is already a major thoroughfare. It is one of the few east and west thoroughfares we have so we have the expectation of traffic on it. Do you see the difference in the C-2 compared to other zoning possibilities as a traffic management?

Adam Cox: The neighborhood I live in is a very walkable neighborhood and to extend that walkability, even if it's a commercial area is fine, but at least make it store fronts instead of parking lots.

A discussion followed about safety and traffic in the proposed rezoning area.

Skip Deaton, Corner of Hill and MLK spoke in favor of the ordinance.

Chung Tan, Citizen spoke in favor of the ordinance.

Thad Hanna, 16308 East Black Oak Road spoke in favor of the ordinance.

Steve Clark, Ward 1 and Economic Advisor to the city spoke in favor of the ordinance.

Alderman Marsh: Can you tell me the median wage of the average Wal-Mart Neighborhood worker?

Steve Clark: I estimate it to be $11 or $12 an hour.

Alderman Marsh: Do we have any verification of that from the applicant?

Mike Lindsey, Director of Public Affairs for Wal-Mart: Every store is a little bit different based on competition. The Arkansas wage is a little over $12 for an hourly associate.

Alderman Marsh: MIT has done a recent study on the living wage required to have a dignified existence in the City of Fayetteville. For one adult to support one dependent child it is averaged to be about $16 an hour. How do you propose that your employees bridge the gap between what you pay and what it cost to live in our city?

Mike Lindsey: The thing we are most proud of at Wal-Mart is the great career path and advancement we offer our associates. 75% of our store managers started out as hourly.

A discussion continued about the median Wal-Mart wage.

Erin Burton, 588 South Block Avenue: I do not think a big box store with a big parking lot will contribute to a real Fayetteville feel. Big box stores can be made to be walkable and cool.

Meredith Hendricks, East Trenton Boulevard spoke in opposition of the ordinance.

Aubrey Shepherd, spoke about mature trees and water flow on the proposed rezoning site. He spoke in opposition of the ordinance.

Alderman Petty: The differences between uses and form goes to the heart of this debate. It is wrong for the Council and society to say the arrangement of space makes no difference, it makes a huge difference. C-2 and I-1 are both incompatible as a zone. We have to ask ourselves what we can do to change it and what the ramifications are if we don't. The Institute for Transportation

Engineers, the trade organization for traffic engineering, has a manual titled Designing Walkable Urban Thoroughfares. It is for streets that handle at least 20,000 cars a day. The number one rule is to get the buildings close to the street.

This ordinance was left on the Second Reading

A resolution to order the razing and removal of a dilapidated and unsafe structure owned by Kenneth C. and Wanda L. Easterling located at 909 W. Eagle Street in the City of Fayetteville, Arkansas, and to approve a budget adjustment.

Jeremy Pate, Director of Development Services stated the owner is requesting additional time to complete the removal. He stated staff is recommending the item to be tabled to the March 17, 2015 City Council meeting.

Chuck Easterling, property owner discussed the progress of the removal of the structure and his efforts to recycle as much as possible.

Alderman Marsh: I want to commend you for your efforts to deconstruct the structure and recycle it.

Alderman Marsh moved to table the resolution to the March 17, 2015 City Council meeting. Alderman Petty seconded the motion. Upon roll call the motion passed 6-0. Aldermen Schoppmeyer and Long were absent during the vote.

This resolution was tabled to the March 17, 2015 City Council meeting.

New Business:

A resolution to authorize the purchase of a John Deere Backhoe Loader from Stribling Equipment of Springdale, Arkansas in the amount of $85,500.00 pursuant to the National Joint Powers Alliance Cooperative purchasing agreement for use by the Water and Sewer Division.

Alderman Tennant: We have been contacted by a Fayetteville business that is in our ward, about the process. I am curious on the reasons of picking equipment that was more expensive and why a Fayetteville business wasn't chosen.

Terry Gulley, Transportation Services Director stated the Fleet Division is not looking at the lowest cost item. We are looking at the overall cost through the life of the vehicle. He explained the savings the City of Fayetteville has achieved by using this strategy.

Alderman Tennant: Thank you. I would like to commend the Equipment Committee for their diligence on this and city staff for not just looking at price. The most important thing is for the public and business owners to know the total cost of ownership.

Don Marr, Chief of Staff: We often will buy on these contracts, whether it's the State of Arkansas or the National Joint Powers Alliance contract because we are able to make purchases much faster. It allows us to not go through a long process in the acquisition. We encourage people who are local to submit and bid in these contracts that we actually purchase from. For those who want to have the opportunity, when we are looking at purchasing through contracts, we encourage them and hope you all will help us encourage them to submit into those contracts.

Terry Gulley: In this case, both these bidders were on that contract.

Alderman Tennant: There wasn't a provider that could sell you the John Deere in Fayetteville?

Terry Gulley: As far as buying locally, they are the only bidder located in Fayetteville. They are the only tractor dealer.

Tim Bailey, Williams Tractor: We are asking this to be denied because the Equipment Committee did not have the information. Using this purchasing cooperative, there was one bid offered to the Equipment Committee, our bid that was a lower bid was not considered. A much newer machine was being compared to our older machine. Technology is beneficial and hopefully technology makes it easier to service and less service cost. Maintenance schedules are much improved from ten years ago. The council has made it clear to buy local.

Don Marr: Williams Tractor has made numerous complaints on the city buying on contract. When they say we don't seek the bid, we don't go out and bid every piece of equipment. Sometimes we choose to buy on one of the contracts. NJPA is a contract in this particular scenario that was bid. Everyone who got onto that contract went through a bidding process and saved the city the time of writing the equipment specifications, having the posting period, time and labor of our Purchasing staff and Fleet staff. We do this to have quicker acquisition of getting the items in. Every piece of equipment over $20,000 is required to go through a bidding process. Sometimes we buy those on bided contracts. Our local providers have the opportunity to submit bids and participate in those contracts. It is up to them whether they choose to do so or not.

Mayor Jordan: Have you?

Tim Bailey: As a local business absolutely. Through the manufacturer's we represent that is on a manufacturer level.

A discussion followed about local providers being able to submit bids and participate in contracts.

Mayor Jordan: The Equipment Committee looked at everything?

Alderman Gray: We looked at what we were presented. The complaint is that we weren't being presented the full information. Is that what I hear you saying?

Tim Bailey: Exactly. The compost grinder that was on the Consent Agenda tonight was presented before the Equipment Committee. There were seven or eight bids that were listed. The question

was asked why the lowest bid wasn't accepted. When it goes through these purchasing agreements, there is one bid presented to the Equipment Committee.

Don Marr: Again, because these are bided in a contract.

Alderman Gray: We need to review and help us as a committee have a better understanding.

Don Marr: Either the Council needs to pass a policy that we are not to use contracts and we are to bid every piece of equipment going through that process. That is the only way you are going to accomplish what the Williams representative just presented to you. When we decided to buy that piece of equipment we are buying it on a contact that was already bided so we are seeking bids at that time. We have multiple contracts that we purchase from. Former employee Dennis Pratt gave a presentation to the Council about why it is to the taxpayer's advantage for us to do that.

Alderman Petty: I remember when Dennis gave that presentation on the purchasing contracts. If there is reluctance with the Council, maybe we should go through that presentation again. Terry and Jesse Beeks in Fleet have earned my trust. There hasn't been a question asked in Equipment Committee that hasn't been addressed head. Terry's explanation of the total cost of ownership with regards to this piece of equipment puts my mind at ease.

Alderman Kinion: In operations and efficiency of Solid Waste, it's a big operation. We have to look at the efficiency of the bidding and the efficiency of getting the equipment there to manage the overall cost of the operations. This is why it is important to have these contracts in place. They have earned our trust through Water, Sewer & Solid Waste when something comes through because we do question and get the answers we need. These are big capital expenditures and we have to rely on the specs that are presented to us and the information we gain through management of efficient operations.

Mayor Jordan explained this was the process he relied on when he was on the Equipment Committee. He stated if Council wanted to look at changing the way things have been done previously, they could.

Alderman Kinion: It is important people understand that there are bids on the contracts. Get the bids in for the contracts so that you are considered a contracted supplier.

Alderman Gray: That was the point I was making. We just need to clarify to make sure Williams knows they can be a part of the contracting situation.

Alderman Marsh moved to approve the resolution. Alderman Gray seconded the motion. Upon roll call the resolution passed 6-0. Aldermen Adams and Long were absent during the vote.

Resolution 215-14 as recorded in the office of the City Clerk.

An ordinance rezoning that property described in Rezoning Petition RZN 14-4859, for approximately 1.9 acres, located at the 300 & 400 Block of Martin Luther King Boulevard from NC, Neighborhood Conservation, to DG, Downtown General.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is not supportive of the rezoning request. Planning Commission voted 6-2 in favor of the rezoning.

Alderman Petty: What is the logic when the Master Plan was developed to have Downtown General to the east and west, but not extended along the length of the corridor?

Jeremy Pate: If you look at the overall larger Walker Park Master Plan, we tried to concentrate those in nodes. The node directly west of this, is the eastern most portion of the node. We wanted to go across the street to make sure we had both sides of the street covered, to ensure the corner at Willow and MLK were covered. We primarily left it off there to go east and continue that neighborhood of conservation.

On the other side of Wood Avenue, the character and context really starts to change. There are a number of smaller businesses located within that area along Huntsville Road. Those address more of Huntsville Road as opposed to Martin Luther King Jr. Boulevard. The context is extremely different. This is a small two lane, 22 foot wide street with small single family context and character. This is why we were not supportive of continuing to extend that on down.

Alderman Petty: Does your recommendation have anything to do with the expanded residential uses allowed in Downtown General or was it just a function of the scale that was allowed.

Jeremy Pate: Scale and compatibility with that scale and context. We believe we could be supportive of expanded non-residential uses at a scale that is appropriate. We are trying to honor the neighborhoods desire to contain that scale within this particular area.

A discussion followed about height, massing and placement of the building.

Mayor Jordan invited the applicant to the podium to speak.

City Attorney Kit Williams: You can't present what your project would look like or proposed houses that you showed to the Planning Commission. You may speak about what uses you want to do.

Zara Niederman, Director of 3Volve Housing gave a brief description of the proposed rezoning location and displayed maps for Council to view.

Alderman Marsh expressed her appreciation for Mr. Niederman's attention to the 2030 City Plan and the Walker Park Neighborhood Plan. She stated she understands the Planning staffs concern about height and massing. An explanation was requested as to why Downtown General was preferred as opposed to Neighborhood Services.

Zara Niederman: The Downtown General allows a lot of what Neighborhood Services does. It allows increased density. Neighborhood Services allows limited businesses, which is 3,000 square feet, which would allow one business stand alone. On the next property you could have another thing. It doesn't allow for mixed use in the sense of having store fronts with residential above. Downtown General allows more density with regard to residential. People are probably most hesitant because of the height.

Alderman Gray: Jeremy, the houses that have been built along MLK, are they about the same height?

Jeremy Pate: The ones further west, not ones on this property. There are some located closer to Archibald Yell, in that area. The tallest in that area is maybe three stories, most are two stories.

Alderman Petty: The houses that were just referenced, can you estimate the density of that development?

Jeremy Pate: I think those are on 30 or 35 foot wide lots maximum, maybe smaller. Those are primarily single family.

Alderman Petty: There seems to be a real gap between these two zoning codes we are talking about. I understand the staffs concerns about the massing, but this gap is a real problem in our code. It's not fair to deny the kind of development that we see in our Neighborhood Master Plan from happening just because that gap exist.

Alderman Kinion stated if the ordinance would be left on the first reading, it would allow more time for Council to review.

Alderman Tennant stated he would like to also have more time to review the rezoning request.

Alderman Marsh: Kit, on the other property you stated there could be a Bill of Assurances that could limit some of the potential negative impacts. Could that be tied to building height?

City Attorney Kit Williams: A Bill of Assurance has to be voluntarily offered by the proposed applicant that is requesting a rezoning from the City Council. It can go to any of the zoning criteria, uses or other zoning features such as height.

Alderman Marsh: Jeremy, can you talk about doing this under a conditional use permit?

Jeremy Pate: Conditional use is other allowed uses, but you have to petition the Planning Commission. There is much more discretion in that decision because you are asking for something normally greater in use of the property.

Alderman Petty moved to table the ordinance to the January 6, 2015 City Council meeting. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-0. Alderman Long was absent during the vote.

This ordinance was left on the First Reading and tabled to the January 6, 2015 City Council meeting.

An ordinance rezoning that property described in Rezoning Petition RZN 14-4867, for approximately 4.17 acres, located at 2269 North Henbest Drive from CS, Community Services, to C-2, Thoroughfare Commercial.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is not supportive of the rezoning request. Planning Commission voted 7-1 in favor of the rezoning.

Don Nelms, Property Owner: This piece of land is a place where people stop, go across the road and it has a high amount of traffic. We don't know for sure what could be put there, but I know what can't be put there. There is no other zoning appropriate for a car dealership other than the C-2. We have reserved putting anything on College Avenue at the old Subaru store because we are fearful we will run out of places to put cars. It is not practical to purchase other C-2 land and drive cars back and forth every day. It is costly and there are risk of accidents when moving cars back and forth. We have projected growth and will fully utilize that whole block.

Ben Jack Guitar Center will be located at the old Subaru building on College. It will be a business on College that is compatible to the city.

Mayor Jordan: I talked to Mr. Nelms about this piece of property at the old Subaru store. I've heard a lot of folks say we have too many car lots along College Avenue. It makes sense to me to not park cars on College and create another car lot, then drive the cars back to another car lot. We have a chance to take the old Subaru property and make it something more conducive to the way we want to see this city planned out.

Alderman Marsh: You won an environmental award for your store. Could you tell us about that?

Don Nelms: My son, David did. When we built this store we used all LED lights in it. We have a lot of recycling and we do all kinds of community service.

Alderman Adams: I haven't heard any negative comments from Ward 4 residents.

Mayor Jordan: All I have heard is positive comments about this project.

Alderman Kinion: I think it is ok to do the C-2 because of the practical location. We already have the stoplight there, we have the infrastructure and the separation.

Alderman Tennant thanked the Nelms family for always doing things the correct way.

Mayor Jordan: It is a good development.

Alderman Gray stated she wants to take care of current businesses and is supportive of the ordinance.

Alderman Marsh: I believe the Nelms have been good stewards of this land. I have concerns about future uses for the land. What happens when the Nelms outgrow this? Do we have any mechanisms if they were to sell the property that we could assure this wouldn't go to a big box store?

City Attorney Kit Williams: The City Council always has the legislative right to rezone property, whether or not a property owner wants it rezoned or not. We have done that in the Downtown area and Walker Park area. If the car lot was still operating, you couldn't kick it out, but you could prevent something else going in there that was different.

Alderman Marsh: I respect staff's recommendation. I worry about the Wedington Corridor creep.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5722 as Recorded in the office of the City Clerk

An ordinance rezoning that property described in Rezoning Petition RZN 14-4868, for approximately 10.59 acres, located at 2030 South Morningside Drive from I-2, General Industrial, to I-1, Heavy Commercial/Light Industrial.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is in favor of the rezoning request. Planning Commission voted 5-3 in favor of the rezoning.

Misty Newcomb, Executive Director of Prism Education Center: We have three facilities in Fayetteville and we would like to consolidate into one building. It is important to us that we stay between 15th Street and Dickson Street because of the student population we serve. We have a

commitment of a minimum of 51% of the students that participate in our programs will be low or moderate income. This is the piece of property for us and really the only one in that region. We looked at safety concerns and the area is a much lower traffic count than what we are currently dealing with. We feel this would be a good transition from I-2 to I-1 for the City of Fayetteville.

Alderman Kinion: The children you serve at Willow Heights is a real important service. You feel it will be safe to get those individuals from Willow Heights over to the new location?

Misty Newcomb: Yes, we have guidelines we have to follow for transportation to ensure the children's safety.

Alderman Kinion: I appreciate what you offer in the preschool over there in that area of town.

Don Marr, Chief of Staff: On the BioBased land sale we have a piece of property that CDBG partnered with Prism to create a campus that we gave the first right of refusal for purchase with the University. They have expressed interest to the city in exercising that option and are working with the City Attorney office to finalize the details on that. The city is supportive of finding a new location for a very good service that our CDBG department relies on.

A discussion followed about the Prism facility that is located on Razorback Road and the amount of traffic in that area.

Alderman Marsh: This down zoning would be great for the neighborhood as well as for the school. If we do this, it incentivizes us to get serious about putting sidewalks on 15th Street.

Don Marr, Chief of Staff: It is a priority of the staff at the direction of the Council for sidewalks within a one mile radius of an educational facility.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5723 as Recorded in the office of the City Clerk

An ordinance to amend § 159.01 Fees of the Unified Development Code pursuant to the User Fee Cost Recovery Policy.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is recommending approval of the adjustment.

Alderman Gray: I appreciate all their work.

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

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 7-0. Alderman Long was absent during the vote.

City Attorney Kit Williams read the ordinance.

Don Marr, Chief of Staff: Thank you to Jeremy and his team. This is a time where we have numerous decreases within the rates. I am proud that we continue to look for ways to save money.

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

Ordinance 5724 as Recorded in the office of the City Clerk

An ordinance to waive the requirements of formal competitive bidding and approve a contract between the City of Fayetteville, Arkansas and the Area Agency on Aging of Northwest Arkansas in the amount of $84,514.00 to provide public recreation services for the senior citizens of Fayetteville for 2015, contingent on approval of the 2015 Annual City Budget and Work Program.

City Attorney Kit Williams read the ordinance.

Connie Edmonston, Parks & Recreation Director gave a brief description of the ordinance.

Kayla Wilson, Fayetteville Senior Center Director stated new exercise classes and a variety of activities have been added. She stated it is a wonderful opportunity to give back to the community.

A discussion followed about how wonderful the Senior Center program is.

Alderman Tennant 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 Long was absent during the vote.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5725 as Recorded in the office of the City Clerk

An ordinance to waive the requirements of formal competitive bidding and approve a contract between the City of Fayetteville, Arkansas and Fayetteville Youth Center, Inc. in the amount of $215,175.00 to provide public recreation services for the youth and citizens of Fayetteville for 2015, contingent on approval of the 2015 Annual City Budget and Work Program.

City Attorney Kit Williams read the ordinance.

Connie Edmonston, Parks & Recreation Director gave a brief description of the ordinance.

Eric Schuldt, Boys & Girls Club Executive Director thanked the City of Fayetteville for the partnership they have. He stated as an organization they try to add value to the partnership with Parks & Recreation and be a good community host for events and activities.

Don Marr, Chief of Staff thanked the Boys & Girls Club for allowing Ward 4 and Town Hall meetings to be held at their facility.

Alderman Tennant 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 Long was absent during the vote.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5726 as Recorded in the office of the City Clerk

Announcements:

Alderman Tennant announced the Nominating Committee Interviews will be held Wednesday, December 10, 2014 at 4:00 p.m.

Don Marr, Chief of Staff: The Fayetteville Animal Shelter is having a holiday open house on Saturday, December 6, 2014 from 10:00 a.m. to 4:00 p.m. There is a special adoption fee of $10 for dogs and cats. Santa Claus will be at the center between 11:00 a.m. and 2:00 p.m.

The Community Resource Division is having its 8th Annual Senior Giving Tree on December 9, 2014 at 10:00 a.m. at the Fayetteville Senior Center. Lunch will begin at 11:30 a.m. City Council is invited to attend.

Information can be found on the city's website for the children's holiday coloring contest, which benefits Ranger's Pantry.

There are two candidates interviewing with the Fayetteville Advertising & Promotion Commission for the Executive Director replacement for retiring Marilyn Heifner. There is an A & P Commission reception at the Town Center on December 3rd and December 5th at 4:00 p.m. to meet the candidates. It is open to the public.

Alderman Marsh: Early voting has started on the anti-discrimination ordinance. The election will be on December 9, 2014.

Adjournment: 8:51 p.m.

City Council Agenda Session Presentations: None

City Council Tour: None

Lioneld Jordan, Mayor | **Sondra E. Smith, City Clerk/Treasurer**