

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 John La Tour
Ward 4 Position 1

Alderman Alan T. Long
Ward 4 Position 2

**City of Fayetteville Arkansas
City Council Meeting
February 17, 2015**

A meeting of the Fayetteville City Council was held on February 17, 2015 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, John La Tour, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Martin Schoppmeyer

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 February 3, 2015 City Council meeting minutes.

Approved

CDBG Program Income and Ranger's Pantry Donations: A resolution to approve a budget adjustment in the total amount of \$23,098.00 representing donations to Ranger's Pantry and CDBG Program Income received from two housing program lien payoffs.

Resolution 39-15 as recorded in the office of the City Clerk

Bid #15-17 Amerlux Exterior, LLC: A resolution to award bid #15-17 and authorize the purchase of LED trail light fixtures from Amerlux Exterior, LLC in the amount of \$1,450.00 per light fixture plus applicable taxes in variable amounts as needed through the end of calendar year 2015.

Resolution 40-15 as recorded in the office of the City Clerk

Bid #15-17 Alliance Composites, Inc.: A resolution to award Bid #15-17 and authorize the purchase of fiberglass trail light poles from Alliance Composites, Inc. in the amount of \$450.00 per light pole plus applicable taxes in variable amounts as needed through the end of calendar year 2015.

Resolution 41-15 as recorded in the office of the City Clerk

King Electrical Contractors: A resolution to authorize a contract with King Electrical Contractors in the amount of \$34,920.00, pursuant to Bid #10-47, for the installation of LED trail light fixtures and light poles along the Town Branch Trail, and to approve a ten percent (10%) project contingency.

Resolution 42-15 as recorded in the office of the City Clerk

Garver, LLC: A resolution to authorize a professional engineering services agreement with Garver, LLC for final design services for water and sewer relocations associated with Arkansas Highway and Transportation Department Project BB0414-Interstate 49 and Highway 112 Interchange in an amount not to exceed \$102,742.50, and to approve a budget adjustment.

Resolution 43-15 as recorded in the office of the City Clerk

Watershed Conservation Resource Center Task Order No. 2: A resolution to approve Task Order No. 2 with the Watershed Conservation Resource Center for continued maintenance of previously completed stream restoration projects at Niokaska Creek and the White River through 2015 in the amount of \$62,500.00, and to approve a budget adjustment.

Resolution 44-15 as recorded in the office of the City Clerk

Bid #15-16 CAM Lawn Services, LLC: A resolution to award Bid #15-16 and authorize a contract with CAM Lawn Services, LLC in the amount of \$149,191.00 to plant trees and shrubs in the median of Crossover Road between Township Avenue and Joyce Boulevard and in the median of Garland Avenue between Mount Comfort Road and Janice Avenue, and to approve a project contingency in the amount of \$15,000.00.

Resolution 45-15 as recorded in the office of the City Clerk

Alderman Gray moved to accept the Consent Agenda as read. Alderman Tennant seconded the motion. Upon roll call the motion passed 7-0. Alderman Schoppmeyer was absent.

Public Hearing:

Public Hearing: Repeal and Replace Title V Public Works and Amend Chapter 51 and Chapter 10.

Mayor Jordan opened the Public Hearing

There was no public comment.

Mayor Jordan closed the Public Hearing

Unfinished Business:

Repeal and Replace Title V Public Works and Amend Chapter 51 and Chapter 10: An ordinance to repeal and replace Title V Public Works, Article III Discharge and Pretreatment Regulations; to Amend § 51.137 Monthly Sewer Rates; to Amend § 51.138 Definitions Pertaining to Water and Sewer Rates; to Amend § 51.999 Penalty; and to Amend § 10.99 General Penalty of the Fayetteville Code. *This ordinance was left on the First Reading at the January 20, 2015 City Council meeting. This ordinance was left on the Second Reading at the February 3, 2015 City Council meeting.*

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 Schoppmeyer was absent.

City Attorney Kit Williams read the ordinance.

Alderman La Tour: Do we have any idea what will happen to sewer rates under this proposal?

Tim Nyander, Utilities Director stated a rate study would be done by a consulting firm in the City of Fayetteville.

City Attorney Kit Williams: We are going to have a rate study in the future that will be brought back to the City Council in case the rates need to change. Is that correct?

Tim Nyander: Yes, sir.

A discussion followed about rate studies.

Alderman Kinion: This is the language to take our current code and put it into compliance with the suggestion of the ADEQ and the EPA. This specific revision of the code that we are talking about tonight doesn't have a direct impact on rates. We are bringing some terminology up, to make it in line with current usage.

City Attorney Kit Williams: It was under an abundance of caution that we went ahead and publicized this, as if it did affect the rate. The effect on rates with this particular ordinance should be very minimal, if any.

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

Ordinance 5739 as Recorded in the office of the City Clerk

RZN 14-4882 (East Side of Ruppel RD./Westside Village): An ordinance rezoning that property described in Rezoning Petition RZN 14-4882, for approximately 21.63 acres, located on the east side of Ruppel Road North of the Boys and Girls Club, from R-PZD, Residential Planned Zoning District R-PZD 06-1884 Westside Village, to NS, Neighborhood Services. ***This ordinance was left on the First Reading at the February 3, 2015 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 6-1. Alderman Long voting no. Alderman Schoppmeyer was absent.

City Attorney Kit Williams read the ordinance.

A discussion followed about leaving the ordinance on the second reading. Council members from Ward 4 requested more time to visit with citizens.

This ordinance was left on the Second Reading.

RZN 14-4883 (HWY. 112 North of Truckers Drive/Parkwest): An ordinance rezoning that property described in Rezoning Petition RZN 14-4883, for approximately 93.04 acres, located at HWY 112 North of Truckers Drive from R-PZD 05-1796, Residential Planned Zoning District Park West, to RSF-8, Residential Single Family, 8 units per acre, and CS, Community Services. ***This ordinance was left on the First Reading at the February 3, 2015 City Council meeting.***

Alderman Gray moved to suspend the rules and go to the second reading. Alderman Kinion seconded the motion. Upon roll call the motion passed 7-0. Alderman Schoppmeyer was absent.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. He stated the item was a staff initiated rezoning. The Planning Commission is recommending approval 9-0 in favor of the request.

Alderman Marsh: I've gotten a few concerned inquiries regarding the sensitive riparian areas on the site. What protection will those areas have if this were to go forward?

Jeremy Pate: Any zoning district would have to look at the development proposal. We would look at whether there is a streamside protection area and designated wetlands.

Alderman Marsh: Just to be clear, our Streamside Protection ordinance will protect the critical areas.

Jeremy Pate: If it applies. We don't know if it applies currently without a development proposal and seeing if there is actually a stream bank that drains at least 100 acres. We would have to look at our maps to understand that.

Joe Neal, 145 East Cleburn stated his concerns about a portion of the acreage with the proposed rezoning request. He stated he is not sure that anyone has looked at the seasonal wetlands issue. He stated that wetland soils, wetland plants, wetland birds and all kinds of wetland ecological issues need to be taken into consideration. He stated if we continue to lose wetlands, he would like the Council to mitigate losses and take into account what is being lost if authorization of the development of the property is granted.

Aubrey Shepherd, Citizen stated he would like the City Council to engage in some change to ordinances that would require the Planning and Engineering Departments to go back to having a Corp of Engineers delineation of seasonal wetlands. He expressed his concerns if all the acreage was rezoned to eight houses per acre.

Alderman Marsh: Has this been through the Environmental Action Committee?

Alderman Long: It was not on the last agenda. It can be added to the next one.

Alderman Marsh: I would like to see that done. Maybe we could split off the 33.38 acre parcel and go ahead and rezone that, then refer the balance in the critical areas to the Environmental Action Committee.

A discussion followed about sending the item to the Environmental Action Committee for review.

Alderman La Tour: Do we know if the current landowner has an opinion?

Jeremy Pate: I don't know. It's owned by a bank. We have notified them of what staff is presenting. Rezoning's do not go to the Environmental Action Committee, unless the Council sends it there. There are no eminent plans that we are aware of to sell the balance of this property or to develop it at this time.

A discussion followed about rezoning the property to allow it to be more marketable within the city, whereas the property currently has no developing or rezoning rights.

Alderman Gray: Is it possible to break this off as Alderman Marsh has suggested?

City Attorney Kit Williams: This was proposed by staff. Staff would have the right to divide it. My advice is that we need to have some zoning on it that would allow at least some kind of development to go on it, whatever zoning you believe is the most appropriate.

Jeremy Pate: It would be fine to split it off or leave it all and have it go through at the same time.

Alderman Marsh encouraged City Council members to rezone only 33.38 acres and send the ordinance to the Environmental Action Committee for review.

Mayor Jordan: What do Ward 4 Council members think?

Alderman Long: I haven't heard anything from people who live in the area. I didn't want it to move to the second reading at the last meeting, because I usually do hear from people in this area. I haven't had any objections from constituents. I'm happy to take it to the Environmental Action Committee next month.

Alderman La Tour: I haven't heard from any constituents. If I were a stockholder in that bank, I would feel very imposed upon to have City Council say this is wetland and you can't do anything with it. That takes away economic value.

Alderman Long: This isn't restricting the bank's rights. It is allowing them to do something with it. Right now they can't build anything on it. This discussion will put value in their property.

A discussion followed regarding how the ordinance and exhibits would be written if it was amended to rezone 33.38 acres to RSF-8.

Alderman Marsh moved to amend the ordinance to rezone only 33.38 acres with an RSF-8 zoning and not rezone the additional property. **Alderman Gray** seconded the motion. Upon roll call the motion to amend passed 7-0. **Alderman Schoppmeyer** was absent.

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 Schoppmeyer** was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. **Alderman Schoppmeyer** was absent.

Ordinance 5740 as Recorded in the office of the City Clerk

RZN 14-4916 (956 Ray Avenue/Hodous): An ordinance rezoning that property described in Rezoning Petition RZN 14-4916, for approximately 0.32 acres, located at 956 Ray Avenue from RMF-24, Residential Multi Family, 24 units per acre, to NS, Neighborhood Services. *This ordinance was left on the Second Reading at the February 3, 2015 City Council meeting.*

Alderman Long 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 Schoppmeyer** was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. **Alderman Schoppmeyer** was absent.

Ordinance 5741 as Recorded in the office of the City Clerk

Amend §71.016 Insurance Requirements for Motorized Bicycles, Motor Scooters and Mopeds: An ordinance to amend the Fayetteville Code by enacting §71.016 Insurance Requirements for Motorized Bicycles, Motor Scooters and Mopeds. *This ordinance was left on the First Reading and sent to the Ordinance Review Committee. This ordinance was Tabled to the February 17, 2015 City Council meeting and left on the Second Reading at the January 6, 2015 City Council meeting.*

Alderman Long moved to table the ordinance to the April 7, 2015 City Council meeting. **Alderman Tennant** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Schoppmeyer** was absent.

This ordinance was Tabled to the April 7, 2015 City Council meeting.

New Business:

RZN 14-4938 (N.W. Cross & Maine Intersection/West End Addition): An ordinance rezoning that property described in Rezoning Petition RZN 14-4938, for approximately 2.5 acres, located at Northwest Corner of Cross & Maine Streets from an expired R-PZD, Residential Planned Zoning District Markham Hill Cottages (R-PZD 09-3237), to RSF-8, Residential Single Family, 8 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 disagreed with staff's recommendation and applicant's request. The RMF-24 zoning request was denied by the Planning Commission with a vote of 7-2. He stated a second motion and vote was forwarded to City Council to recommend the property in its entirety be rezoned to RSF-8 units per acre. He stated the applicant is appealing to City Council to continue

the rezoning to RMF-24. The Planning Commission is recommending RSF-8. Staff is in favor of either, RMF-24 or RSF-8.

Mike Bowman, 414 North Walnut stated he is representing the developer that has the parcel under contract. He stated the parcel is surrounded by RMF-24 and we ask for RMF-24 zoning for the property. There are two things that influence the parcel that a relevant, the Hillside/Hilltop Overlay District, which is very difficult as far as buildable area to build in and within, and the parcel has topography challenges.

Tom Brown, 2031 West Maine Street spoke in favor of the rezoning to be RSF-8.

William Henson, Developer stated he wanted a higher density for the parcel due to the topography. He stated it is very steep and will require a lot of dirt work.

Alderman Petty: Have you been building homes out there?

William Henson: Yes.

Alderman Petty: Would you be willing to give us a tour of this area?

William Henson: Absolutely.

This ordinance was left on the First Reading.

R-PZD 07-2452 (Links at Fayetteville): An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2452, Links at Fayetteville, located on the north side of Wedington Drive and east of Ruppel Road, containing approximately 152.23 acres, to repeal the phasing plan.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission voted 8-0 in favor. Staff is supportive of the request.

Alderman Kinion: Everything stays in place except phasing, so you will have the same building layout?

Jeremy Pate: Correct.

Alderman Kinion: Along Ruppel Road there are single family detached units on the north side. Would these be sold as individual properties and wouldn't be managed by the developer?

Jeremy Pate: It could. The way that the project along Ruppel Road is being developed, are lots. They could be sold individually for owner occupancy or for rentals.

Alderman Kinion: We don't know if they intend to sell these lots?

Jeremy Pate: Correct.

Alderman Kinion: This has been approved already, but we are just looking at phasing?

Jeremy Pate: Yes.

City Attorney Kit Williams: The City Council changed the Planned Zoning District ordinance last year and did away with the termination if they aren't developed in time, you won't see these problems again as we go through these old PZD's that expire. The current PZD ordinance does not expire. It's a zoning change and remains the same until the City Council rezones.

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 Schoppmeyer was absent.

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 Schoppmeyer was absent.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5742 as Recorded in the office of the City Clerk

VAC 14-4933 (Persimmon and Mtn. Ranch Blvd/Parkhill at Mtn. Ranch Subdivision): An ordinance approving VAC 14-4933 submitted by Jorgensen & Associates for property located southwest of Persimmon Street and Mountain Ranch Boulevard to vacate a portion of an existing utility easement.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission voted 8-0 in favor. Staff is supportive of the request.

Alderman Marsh moved to suspend the rules and go to the second reading. Alderman Tennant seconded the motion. Upon roll call the motion passed 7-0. Alderman Schoppmeyer was absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5743 as Recorded in the office of the City Clerk

VAC 14-4935 (N. Raven Ln./Cobblestone Subdivision Ph 4): An ordinance approving VAC 14-4935 submitted by Jorgensen & Associates for property located at the north end of Raven Lane to vacate a portion of an existing utility easement.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission voted 8-0 in favor. Staff is supportive of the request.

Alderman Gray 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 Schoppmeyer was absent.

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 Schoppmeyer was absent.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5744 as Recorded in the office of the City Clerk

VAC 14-4936 (2269 N. Henbest Dr./Adventure Subaru): An ordinance approving VAC 14-4936 submitted by Jorgensen & Associates for property located at 2269 north Henbest Drive to vacate an existing utility easement.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission voted 8-0 in favor. Staff is supportive of the request.

Alderman Tennant 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 Schoppmeyer was absent.

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 Schoppmeyer was absent.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5745 as Recorded in the office of the City Clerk

Instrument & Supply, Inc.: An ordinance to waive the requirements of formal competitive bidding and authorize an agreement with Instrument & Supply, Inc. of Hot Springs, Arkansas in the amount of \$40,948.00 plus applicable taxes for the purchase of two water booster pumps and one variable frequency drive for the South Mountain water pump station.

City Attorney Kit Williams read the ordinance.

Tim Nyander, Utilities Director gave a brief description of the ordinance.

Alderman Kinion: This went through the Water, Sewer & Solid Waste Committee and was approved to bring forward.

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

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 Schoppmeyer was absent.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5746 as Recorded in the office of the City Clerk

U.S. Geological Survey: An ordinance to waive the requirements of formal competitive bidding and authorize a joint funding agreement with the U.S. Geological Survey for stream gauge installation, operation and maintenance and water quality sampling and monitoring at various locations in the City of Fayetteville for 2015 with the amount paid by the city not to exceed \$61,721.00.

City Attorney Kit Williams read the ordinance.

Chris Brown, City Engineer gave a brief description of the ordinance. He stated they are proposing to share the cost between Engineering and the Water & Sewer Department. He stated the item went through the Water & Sewer Committee with a vote of 3-0 in favor. Staff recommends approval of the request.

Alderman Marsh moved to suspend the rules and go to the second reading. **Alderman Gray** seconded the motion. Upon roll call the motion passed 6-0. **Alderman Petty** was absent during the vote. **Alderman Schoppmeyer** was absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. **Alderman Schoppmeyer** was absent.

Ordinance 5747 as Recorded in the office of the City Clerk

University of Arkansas Utility Relocation Agreement: An ordinance to waive the requirements of formal competitive bidding and approve a utility relocation agreement with the University of Arkansas for the relocation of copper and fiber optic cables necessary for the Highway 112 Widening project between Razorback Road and Garland Avenue with the amount to be paid by the City of Fayetteville not to exceed \$33,476.50.

City Attorney Kit Williams read the ordinance.

Chris Brown, City Engineer gave a brief description of the ordinance.

Alderman Gray moved to suspend the rules and go to the second reading. **Alderman Long** seconded the motion. Upon roll call the motion passed 6-0. **Alderman Marsh** was absent during the vote. **Alderman Schoppmeyer** was absent.

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 Schoppmeyer was absent.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5748 as Recorded in the office of the City Clerk

Walton Arts Center Council, Inc.: An ordinance to waive the requirements of competitive bidding and authorize a contract for educational, entertainment and administrative services in 2015 to the Walton Arts Center Council, Inc. in the amount of \$250,000.00.

City Attorney Kit Williams read the ordinance.

Sharon Waters, Parking & Telecommunications Manager gave a brief description of the ordinance. Staff is recommending approval.

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

City Attorney Kit Williams read the ordinance.

Alderman La Tour: I think these are all wonderful programs, but as a city we have to take priorities into account. I visited with the Chief of Police and Fire Chief this week. We have two full time positions and one part time position at the Police Department that is unfunded and unfilled. We have two full time positions on the Fire Department that are unfunded and unfilled. I am concerned these services we provide for the people of Fayetteville are being underfunded. I agree with funding and spending some amount of money for the Walton Arts Center. I ask the City Council to fully fund the Police and Fire Departments before we spend money on these wonderful things. Art is important, but nothing is more important than Police and Fire protection for our people.

Paul Becker, Financial Director: The parking fund was created by the Council, therefore its purpose could in fact be changed by the Council. We should remember that was a user fee created in the Dickson Street area for the purposes of providing parking and promoting that area. This is why the fund was established. The net receipts of parking are pledged against the bonds. Operating expenses come off the gross receipts and what's left, we determine whether or not we can do any other funding. The \$250,000 is after that net receipt. It was made clear to everybody, including the Walton Arts Center, that if we needed that to pay the bonds this contract would not be renewed or we couldn't spend it any other place.

If we add any staff, that is a perpetual expenditure going forward. We have revenues that potentially could be there, however we would have that expense going forward. We could not rely on funding those positions and we would have to look at other sources of funding. We talked about adding police at budget time. My position is we do not have the available funding at this point in time.

Alderman Kinion: This funding is not for police and fire. We are looking at it as an excess to support the area around the deck and the deck.

Paul Becker: Correct. That is why the fund was established.

Alderman La Tour: Who established this fund?

Paul Becker: The City Council.

Alderman La Tour: Could the City Council amend it?

Paul Becker: Yes.

Alderman La Tour stated the City Council could take part of the parking money and apply it to the Police and Fire Departments to make them fully functional and operational. He believes the remaining amount could be given to the Walton Arts Center.

A discussion followed about future revenues.

Alderman La Tour moved to amend the ordinance and move the funds for this contract to the Fire Department and Police Department. The motion failed for lack of a second.

Alderman Long: I am fine with this contract because it was what we committed too. I don't like automatically renewing contracts. I would like it to be brought back to the Council every year for review.

Tim Vogt, CFO of the Walton Arts Center: Thank you for your consideration for this contract. It greatly benefits us as we try to bring arts and education to the community and region. Our preference would be for the Council to leave it as it is.

Alderman La Tour: What is your annual operating budget?

Tim Vogt: It is about \$15 million dollars.

Alderman La Tour: Where does that operating budget come from?

Tim Vogt: Half is earned income and half is contributed income.

A discussion followed about earned and contributed income for the Walton Arts Center. A list of programs and functions were discussed that utilizes the \$250,000 funds.

Alderman La Tour stated that one of the positions that are unfunded at the Police Department is a dispatcher. He has an appreciation for art, but doesn't believe it is more important than a 911 dispatcher or firefighter being available in time of need.

Don Marr, Chief of Staff: When we make a statement that we are compromising a service, particularly a service in public safety, that's something every single Council member and every person in the administration knows is a top priority. We are not, not meeting any dispatch staffing limit by having that position open, if it became an issue where we were unable to staff, we would added it in the budget as a requirement. In terms of our Fire Department, the positions that were frozen back in 2009, was a Safety Captain, which does inspections with our Business License program and works for our Fire Marshall office, which are being currently handled by an existing staff member. It is upon the administration to make sure that public safety is not compromised in our staffing levels. We do not feel it is today and if we feel it is going to be we will bring a staffing plan to you. It is our top priority.

Mayor Jordan: Tell us about the ISO rating.

David Dayringer, Fire Chief: The ISO rating is the insurance services office rating. It gives each municipality a public protection certification. In Fayetteville last year we pulled our ISO rating from a four to a two. They grade each city on their ability to protect the public and property in the city. Everyone's insurance premium should go down as a result of that.

Mayor Jordan: The highest rating would be a one and the lowest rating would be a nine. We are setting at a two. Do you think the city is safe?

David Dayringer, Fire Chief: Yes sir, I do.

Alderman La Tour: If we were to fund these additional positions, would that enhance or detract from your ability to provide safety for the people of Fayetteville?

David Dayringer, Fire Chief: Right now we are filling those positions with overtime. There are firefighters in those positions. At this point it really wouldn't make a difference.

Alderman La Tour: You are filling them with overtime. Other people are working those hours instead of paying their normal salary, we are paying time and a half?

Chief David Dayringer: Yes. To fill those positions using current employees, paying them time and a half, as opposed to hiring a new person and paying them the benefits associated with the startup cost for each firefighter, it is more efficient to pay a current employee overtime.

Alderman La Tour: If we are filling it in a more economical way, why do we keep those positions open?

David Dayringer, Fire Chief: Our call volume is going up as our population increases. At some point it might become more cost effective to hire new employees than it is to use current employees on overtime.

Mayor Jordan: How often do you all meet with me?

Greg Tabor, Chief of Police: Every Monday morning at 9:00 a.m.

Mayor Jordan stated they talk about the safety of the city.

Greg Tabor, Chief of Police: We give the Mayor an update about what has happened throughout the week. We talk about all these discussions we are having here tonight.

Mayor Jordan: If at any time you thought the city was unsafe, would you recommend to me to fill whatever positions you needed filled? Do you feel comfortable doing that?

Greg Tabor, Chief of Police: I absolutely feel comfortable with doing that.

David Dayringer, Fire Chief: Yes sir, I do.

A discussion followed about the automatic renewal contract process for the Walton Arts Center.

Alderman Long moved to remove the automatic renewals from the ordinance. Alderman La Tour seconded the motion. Upon roll call the motion failed 3-4. Alderman La Tour, Long, and Tennant voting yes. Alderman Gray, Marsh, Kinion, and Petty voting no. Alderman Schoppmeyer was absent.

Alderman Long moved to suspend the rules and go to the third and final reading. Alderman Gray seconded the motion. Upon roll call the motion passed 6-1. Alderman La Tour voting no. Alderman Schoppmeyer was absent.

City Attorney Kit Williams read the ordinance.

Alderman Petty: When you look at an institution that is designed to be integral to a city, such as the Walton Arts Center and compare it to their contemporaries, on average these institutions receive 9% of their operating funds from state and local sources. The Walton Arts Center receives much less than that from state and local sources. If we want an efficient operation over there, we should work with our state partners to find them more.

I appreciate Alderman La Tour's comments. You are raising questions of governance. The reason we have those frozen positions is because it is impolitic to remove them. If anybody wants to bring forward a motion, I would co-sponsor it to remove those positions until such time as the Chiefs recommend that we need them. The Walton Arts Center is earning these proceeds and art should be a priority.

Alderman Marsh: This is coming from parking revenues. Many reasons people come to downtown is to go to the Walton Arts Center. As far as police services and keeping our city safe, I see engaging children in the arts as crime prevention. This is good for tourism and a great partnership with the Walton Arts Center.

Alderman La Tour spoke about the strategies that were previously discussed in filling open positions with overtime. He spoke about increasing tourism and economic development. He agrees that the arts are a good thing, but would like to prioritize.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-1. **Alderman La Tour** voting no. **Alderman Schoppmeyer** was absent.

Ordinance 5749 as Recorded in the office of the City Clerk

Associated Time & Parking Controls Spring Street Parking Deck: An ordinance to waive the requirements of formal competitive bidding and authorize the purchase of digital parking equipment from Associated Time & Parking Controls in the amount of \$98,805.95 for the Spring Street Parking Deck.

City Attorney Kit Williams read the ordinance.

Sharon Waters, Parking & Telecommunications Manager gave a brief description of the ordinance.

Alderman Tennant: It is important for people to know what is being used as the trade in allowance and what that value is.

Sharon Waters: They are giving us \$22,000, which is going to buy back the equipment that we recently removed in the south and east lots.

Alderman Tennant thanked Mrs. Waters for her work on receiving funds for a trade in on equipment.

Alderman Marsh moved to suspend the rules and go to the second reading. **Alderman Tennant** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Schoppmeyer** was absent.

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 Schoppmeyer** was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. **Alderman Schoppmeyer** was absent.

Ordinance 5750 as Recorded in the office of the City Clerk

Associated Time & Parking Controls West Avenue Parking Lot: An ordinance to waive the requirements of formal competitive bidding and authorize the purchase of digital parking equipment from Associated Time & Parking Controls in the amount of \$66,985.91 for the West Avenue parking lot.

City Attorney Kit Williams read the ordinance.

Sharon Waters, Parking & Telecommunications Manager gave a brief description of the ordinance.

Don Marr, Chief of Staff: Completing this lot will make all parking in the Entertainment District exactly the same methodology, which was the feedback from our customer service survey to try to get all the parking to function the same way.

A discussion followed about being consistent with the parking equipment.

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

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 Schoppmeyer** was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. **Alderman Schoppmeyer** was absent.

Ordinance 5751 as Recorded in the office of the City Clerk

Gulley Park Two Single Family Lot Sell: A resolution to authorize Mayor Jordan to offer for sale approximately 1.25 acres of city owned real property on Old Wire Road near Gulley Park.

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

A discussion followed about tabling the item to have more time to review additional information.

Alderman Long moved to table the resolution to the March 3, 2015 City Council meeting. **Alderman Marsh** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Schoppmeyer** was absent.

This resolution was Tabled to the March 3, 2015 City Council meeting.

Announcements:

Alderman Tennant: The Ordinance Review Committee meeting will be February 18, 2015 at 2:00 p.m. in Room 326.

Alderman Long: We will have a Ward 4 meeting on Monday, February 23, 2015 at 6:00 p.m. in Room 111.

Alderman Marsh reminded everyone that the bill in protecting firefighters is coming up before the House Committee on February 18, 2015. She stated it is about getting benefits as a result of their service.

Mayor Jordan: I am on record being in support of it.

Alderman Kinion stated there were openings on the Board, Committees and Commissions. He encouraged citizens to apply.

City Attorney Kit Williams stated he may be involved in a trial at the next scheduled City Council meeting. He stated Assistant City Attorney, Blake Pennington would be there in his possible absence.

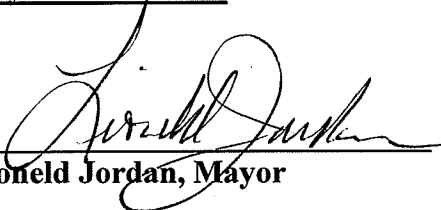
Don Marr, Chief of Staff stated due to the inclement weather that occurred, the Recycling and Trash service would be on a modified schedule.

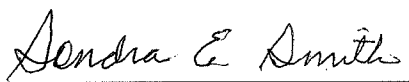
Adjournment: 7:45 p.m.

City Council Agenda Session Presentations:

Agenda Session Presentation - Economic Development Quarterly Report - Chung Tan

City Council Tour: None


Lioneld Jordan, Mayor


Sondra E. Smith, City Clerk/Treasurer