

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 John La Tour
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
April 7, 2015**

A meeting of the Fayetteville City Council was held on April 7, 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, Justin Tennant, John La Tour, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Matthew Petty and Alderman Martin Schoppmeyer

Pledge of Allegiance:

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items:

Quarterly Financial Report - 4th Quarter 2014, Paul Becker, Chief Financial Officer

Paul Becker, Finance Director gave a brief summary of the 4th Quarter, 2014 Financial Report.

Alderman La Tour requested Mr. Becker to explain to the public the difference between a cash balance and a fund balance.

Paul Becker explained that a fund balance is the difference between assets and liabilities. He stated he wants citizens to look at the cash balance rather than the fund balance because that is cash on hand and what is needed. He stated moving forward the city has sufficient cash balances.

Alderman La Tour: How much cash do we have in the General Fund?

Paul Becker: We have about ten million dollars. We are in a good cash position.

Advertising and Promotion Commission Appointment – The Commission recommends the re-appointment of Matt Behrend term ending 03/31/15

Alderman Kinion presented the Advertising and Promotion Commission Appointment.

Alderman Kinion moved to approve the appointment of Matt Behrend to the Advertising and Promotion Commission. **Alderman Gray** seconded the motion. Upon roll call the motion passed 6-0. **Alderman Petty** and **Schoppmeyer** were absent.

Agenda Additions: None

Consent:

Approval of the March 17, 2015 City Council meeting minutes.

Approved

Hazmat Services Revenue: A resolution to approve a budget adjustment recognizing hazmat services revenue received by the Fire Department from Washington County in the amount of \$1,930.00 and increasing the related expense budget.

Resolution 68-15 as recorded in the office of the City Clerk

2015 Arrow XT Fire Engine from Pierce Manufacturing, Inc.: A resolution to approve the purchase of a 2015 Arrow XT Fire Engine from Pierce Manufacturing, Inc. of Appleton, Wisconsin in the amount of \$517,485.00 plus a contingency of \$25,875.00 pursuant to the Houston-Galveston Area Council contract, and to approve a budget adjustment.

Resolution 69-15 as recorded in the office of the City Clerk

2015 Caterpillar 308ECR Excavator from J.A. Riggs: A resolution to authorize the purchase of a 2015 Caterpillar 308ECR Excavator from J.A. Riggs of Springdale in the amount of \$100,208.25 plus applicable taxes, pursuant to a National Joint Powers Alliance cooperative purchasing agreement, for use by the Transportation Services Department, and to approve a budget adjustment.

Resolution 70-15 as recorded in the office of the City Clerk

John Deere Loader from Stribling Equipment: A resolution to authorize the purchase of a John Deere loader from Stribling Equipment of Springdale, Arkansas in the amount of \$139,750.00 plus applicable taxes pursuant to the National Joint Powers Alliance cooperative purchasing agreement for use by the Transportation Services Department.

Resolution 71-15 as recorded in the office of the City Clerk

2015 Boring Machine Series II Navigator from Vermeer Midsouth, Inc.: A resolution to authorize the purchase of a trailer mounted 2015 Boring Machine Series II Navigator from Vermeer Midsouth, Inc. of Springdale, Arkansas in the amount of \$213,522.66 plus any applicable taxes pursuant to the National Joint Powers Alliance cooperative purchasing agreement for use by the Water and Sewer Operations Division, and to approve a budget adjustment.

Resolution 72-15 as recorded in the office of the City Clerk

Six (6) Police Package Chevrolet Tahoes from Superior Chevrolet: A resolution to authorize the purchase of six (6) Police Package Chevrolet Tahoes from Superior Chevrolet of Siloam Springs in the total amount of \$169,662.00, pursuant to a state procurement contract, for use by the Police Department.

Resolution 73-15 as recorded in the office of the City Clerk

2015 Dodge Ram 2500 Pickup Truck from Landers Dodge: A resolution to approve the purchase of a 2015 Dodge Ram 2500 pickup truck from Landers Dodge of Benton, Arkansas in the amount of \$24,752.00 pursuant to a state procurement contract for use by the Police Department.

Resolution 74-15 as recorded in the office of the City Clerk

Maxsurge Healthcare Solutions, Inc. – Airport Hangar: A resolution to approve a three year lease agreement with Maxsurge Healthcare Solutions, Inc. for the airport hangar at 4580 South School Avenue for a rent of \$2,893.00 per month to begin retroactively on March 1, 2015.

Resolution 75-15 as recorded in the office of the City Clerk

4th Judicial District Drug Task Force Grant: A resolution to authorize acceptance of a \$21,857.70 grant from the State Drug Crime Enforcement and Prosecution Fund to be matched by \$5,464.43 from City Funds to be used by the 4th Judicial District Drug Task Force, and to approve a budget adjustment.

Resolution 76-15 as recorded in the office of the City Clerk

Gulf State Distributors: A resolution to approve the purchase of ammunition needed by the Fayetteville Police Department during 2015 from Gulf State Distributors in the amount of \$59,709.49 pursuant to the State of Arkansas ammunition contract.

Resolution 77-15 as recorded in the office of the City Clerk

Automated External Defibrillators – Police Department: A resolution to approve the purchase of Automated External Defibrillators for Police Department vehicles from Lifesavers, Inc. in the amount of \$40,869.80 pursuant to a State of Arkansas procurement contract.

Resolution 78-15 as recorded in the office of the City Clerk

Peterbilt Model 348 Roll-Off Truck Purchase: A resolution to authorize the purchase of a Peterbilt Model 348 Roll-Off Truck from National Auto Fleet Group in the amount of \$143,416.00 pursuant to the National Joint Powers Alliance cooperative purchasing agreement for use by the Recycling and Trash Collection Division.

Resolution 79-15 as recorded in the office of the City Clerk

Alderman Marsh moved to accept the Consent Agenda as read. Alderman Long seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty and Schoppmeyer were absent.

Unfinished Business:

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. *At the December 16, 2014 City Council meeting this ordinance was left on the First Reading and sent to the Ordinance Review Committee. At the January 6, 2015 City Council meeting this ordinance was Tabled to the February 17, 2015 City Council meeting and left on the Second Reading. At the February 17, 2015 City Council meeting this ordinance was Tabled to the April 7, 2015 City Council meeting. This ordinance was left on the Second Reading.*

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 6-1. Alderman La Tour voting no. Mayor Jordan voted yes to suspend the rules. Alderman Petty and Schoppmeyer were absent.

City Attorney Kit Williams read the ordinance.

Alderman Long gave a brief description of the ordinance. He stated between the years of 2012 to 2014 there was a 28% increase in motor scooter accidents in Fayetteville and a 5% drop in insurance coverage. He requested Deputy Chief, Mike Reynolds to speak on the issue.

Mike Reynolds, Deputy Chief of Police: Motor scooters are an emerging mode of transportation for our citizens in Fayetteville and other college towns. We have seen an emerging number of accidents that have occurred over the last three years.

One thing we tried to do on a state level was to get our lobbyist at the Arkansas Association of Chiefs of Police to develop a bill and get a state law passed for insurance and registration to be required for motor scooters. We were unsuccessful in getting any support for that during this legislative session. We come to you with this issue we have here in Fayetteville. The Police Department doesn't see an exception for automobiles, boats, and water crafts, but we do see an exception for motor scooters under 50 cc's. The concern for us is the number of accidents that we are starting to see and the injuries associated with those accidents. We believe insurance would provide a remedy for individuals that incur injury or property damage. We are supportive of this ordinance.

Alderman Long: We have talked about the enforcement. We wouldn't need any extra staff or need to create any other type of enforcement mechanisms. It would be run of the mill traffic stops or accidents where insurance would be checked.

Mike Reynolds, Deputy Chief of Police: That is correct.

A discussion followed about enforcement procedures.

Alderman La Tour: Do you have any insight into the legislature's failure to act? Why was there no interest?

Mike Reynolds, Deputy Chief of Police: I don't know. It's probably not a state wide issue. It's an isolated issue to college towns. At the Town & Gown Committee meeting we heard representative from the University say that registered motor scooters have increased dramatically.

Alderman La Tour: The Town & Gown Committee decided it would be better dealt with at the state level, not at the local level. If some cities pass this ordinance and other cities do not, it could confuse the owner of a scooter. It is a good cause, but I'm concerned our city will be inundated with regulations.

Alderman Kinion: The recommendation by the Town & Gown Committee was not to make a recommendation. They did not want the responsibility of enforcing this with their parking permit program. There was discussion that on a state level it could be easier to understand and implement for the very reasons Alderman La Tour has mentioned.

Don Marr, Chief of Staff: The question asked of the Town & Gown Committee was not their support or lack of support for the ordinance, but the referral from the Town & Gown Committee was to the University Parking and Transit System whether they would aid in the enforcement. The committee came back and reported from the University that they would not do that. They saw it addressed as a state level.

Alderman Marsh: The University is state property, would this ordinance apply to University property?

City Attorney Kit Williams: It would apply to an individual that's driving a scooter that he owns. Whether or not they are on the street at the University we still enforce traffic regulations at the University if we need too. We don't always patrol it because we have the University police, but we have authority on the campus.

Alderman Long: Do we have ordinances the Police Department has to enforce in Fayetteville that may not exist in other cities?

Mike Reynolds, Deputy Chief of Police: Yes.

Alderman Long: So something being different in other cities as compared to Fayetteville is not out of the ordinary?

Mike Reynolds, Deputy Chief of Police: No, it is not unusual.

Alderman Gray: It seems to me the main problem is in Fayetteville. We have college students. Our Fayetteville Policemen supports this.

Loraine O'Neal, 3001 West Wedington Drive spoke in opposition of the ordinance. She stated she did not see how it could be enforced.

Alderman Long: You said you didn't know how it would be enforced. If a scooter person is pulled over for speeding or involved in an accident that would be when citations are issued.

Loraine O'Neal: It places an undue burden on the officers. I don't know if any studies have been done as to the dollar amount of damages by these few accidents and whether there has been any serious physical injuries that have occurred.

Laura Phillips, 2055 South Kline stated she works at the University of Arkansas and reported there are scooter accidents on campus. She spoke in favor of the ordinance.

Peter Tonnessen, 3500 Hearthstone Drive stated he believed it should be a statewide decision.

A discussion followed about registration of a motor scooter.

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

Paul Phaneuf, Aqua Crossing: It is a well-intended ordinance, but it could cause confusion when it comes to enforcement. Would there be criminal penalties if somebody was stopped and didn't have insurance?

City Attorney Kit Williams: Any violation of an ordinance can be prosecuted and a fine can be levied by the District Judge.

Paul Phaneuf, Aqua Crossing: Does the ordinance provide what the penalty would be?

City Attorney Kit Williams: There's not a specific penalty provision in here so I would defer to our general penalty provision like every other ordinance in the code. There is a general penalty provision in our code that follows state law that says a penalty can be up to \$500.00 or if it is a recurring problem it can be up to \$250.00 a day.

Paul Phaneuf, Aqua Crossing: Could someone be arrested if they were driving from another community and were stopped?

City Attorney Kit Williams: No. They could be issued a citation.

Paul Phaneuf, Aqua Crossing: Would they be able to drive their scooter away or would it be confiscated?

City Attorney Kit Williams: I don't see anything about confiscation.

Paul Phaneuf, Aqua Crossing stated he was concerned about people coming into Fayetteville from other cities and not knowing about the scooter ordinance.

Laura Phillips, 2055 South Kline stated when a student applies to the University of Arkansas they are given a thorough admissions packet that informs them about specific laws in Fayetteville.

Alderman La Tour: I am torn on the issue and who can be against personal responsibility. Requiring liability insurance is the responsible position, but what bothers me is that it is a coercive action by those of us in the seat of power. I would rather the City Council pass a resolution encouraging our citizens to take responsibility.

Alderman Marsh: I am torn also. I wish the legislature had addressed this because it is something that state government should do. My initial concerns were about different regulations in different municipalities. Realizing these are 50cc scooters, these are not something you would be driving in from Gentry to go to school. I am hesitant to impose an additional financial burden on students. We have a lack of adequate public transportation.

Alderman Long: It has been mentioned there is a different standard for people inside Fayetteville and people from outside Fayetteville, but it is one standard, the same standard we impose on vehicles and it is for people who drive in Fayetteville. If they are stopped or involved in an accident that one standard is applied and they would be issued a citation for not having insurance. People that are not at fault shouldn't have to take responsibility for someone's financial burden that they caused to them. I have seen the police reports and it is a problem that is developing.

Alderman La Tour: We are discounting there could be some responsible scooter drivers who don't have liability insurance, but they are still good for their debts. If they don't, then there is small claims court.

Alderman Gray: The deciding factor is that our Police Department is supportive of this. We depend on our Police Department to keep us safe. I will be supporting this.

Alderman Tennant: Thank you to staff and the Town & Gown Committee for looking into this. They looked at several different options. I am torn on this. One of our jobs is to protect people when we can. Those scooters, even at 40 mph could do a lot of damage. It sounds like the insurance cost wouldn't be unbearable. I have to lean on the side of the Police Department. I wish the state had done it. I see apartments going up near the campus, but I don't see that many parking lots. Students are going to be forced to ride scooters, which means there are going to be more on the streets. I will support it.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-1. Alderman La Tour voting no. Alderman Petty and Schoppmeyer were absent.

Ordinance 5758 as Recorded in the office of the City Clerk

Enact Article III Procedure to Exercise Initiative and Referendum Rights of Chapter 36: Elections: An ordinance to enact Article III Procedure to Exercise Initiative and Referendum Rights of Chapter 36: Elections into the Fayetteville Code to clarify the proper procedure for the citizens' right of the initiative and referendum. *This ordinance was left on the First Reading at the January 20, 2015 City Council meeting. This ordinance was tabled to the March 17, 2015 City Council Meeting at the February 3, 2015 City Council Meeting. This ordinance was left on the second reading at the March 17, 2015 City Council meeting. This ordinance was left on the Second Reading.*

City Attorney Kit Williams: I sent you all a memo on April 2, 2015 talking about the new state law. The state legislature has amended the county referendum procedure pursuant to Amendment 7. That is what I had incited originally as being what we should follow and that remains my recommendation. However, because they did not change the state law and how state referendums on state statutes would be worded, then we need to remove that reference to the state statute because otherwise it is conflicting. You are telling somebody to do it this way and telling somebody else we will do it the opposite way. That is exactly the problem we had before. It was very unclear and that's why I brought this forward so we could clarify it. I also brought it forward because Amendment 7 specifically gives the municipalities in Arkansas the right to exercise the procedure of the initiative and referendum as to their local legislation. General laws are done by the state legislature so they were within their power and right to amend the county referendum law and prescribed how county referendums should be worded.

My recommendation is that I no longer need to be a part of this ordinance. I have removed all reference to the City Attorney. The only other thing that I changed in this ordinance was in subsection (c) where it would now read that the petitioner shall ensure that any ballot title conforms to A.C.A. §14-14-917 (d) which is the county referendum language. That was in there before, but I removed the reference to the state language.

Mayor Jordan: You are saying that we remove the City Attorney and be in line more with the county?

City Attorney Kit Williams: Remove the City Attorney having any input on this and then we follow the county. If there is a referendum at the county and a referendum at the city, we will handle it exactly the same.

Alderman La Tour moved to amend the ordinance to the new language proposed by the City Attorney. Alderman Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty and Schoppmeyer were absent.

A discussion followed about the county referendum process.

Peter Tonnessen, 3500 Hearthstone Drive read A.C.A. §7-9-101 definitions. He stated that without any action of this ordinance, it does nothing. He stated it is a law telling people to obey the law which already applies from the constitution and by definition from another city ordinance. He asked the City Council not to enact the ordinance.

Duncan Campbell, Fayetteville resident stated he doesn't see the need to have a city ordinance that says we are going to obey the state.

Loraine O'Neal, 3001 West Wedington Drive stated she would like the item to be tabled and allow the state to come up with something that is more clearly defined.

City Attorney Kit Williams: The language related to the county does not apply to the city unless we adopt it. The same thing about the state law that talks about the petitions. The constitution rules over state statutes. The constitution gives cities and the Legislature powers. Amendment 7 says, "Municipalities may provide for the exercise of the initiative and referendum as to their local legislation. General laws shall be enacted providing for the exercise of the initiative and referendum as to counties." We are going to exercise our constitutional powers by saying we are going to follow the county law. We are going to follow the two state laws talking about how the initiative and referendum petitions are supposed to be.

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 6-0. Alderman Petty and Schoppmeyer were absent.

City Attorney Kit Williams read the ordinance.

Don Marr, Chief of Staff: House Bill 1687 to amend the law concerning ballot questions and to add clarity to the format of the ballot question became Act 1036 on April 4, 2015. It was passed without an Emergency Clause. It will go into effect 90 days from the close of session.

Peter Tonnessen, 3500 Hearthstone Drive stated he sees what Mr. Williams is saying, but does not agree with him. He requested for City Council to wait to see the effect of the new law.

Kyle Smith, 2801 West Dove Drive spoke in favor of the ordinance.

Alderman Kinion: As we move forward we can't forget the past. In regards to what has passed in the state house, this is a simple clarification. It is a tool that can be used to prevent any confusion in the future. I will support it.

Alderman La Tour: Will I regret supporting this and making this motion?

City Attorney Kit Williams: No. This is straight forward. I brought this forward because I did not want to have confusion which breeds litigation.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. **Alderman Petty** and **Schoppmeyer** were absent.

Ordinance 5759 as Recorded in the office of the City Clerk

New Business:

Bid #15-23 - Crossland Heavy Contractors, Inc.: A resolution to award Bid #15-23 and authorize a contract with Crossland Heavy Contractors, Inc. in the amount of \$1,014,576.50 for construction of the Upper Scull Creek Drainage Improvement Project, to approve a project contingency in the amount of \$152,185.00, and to approve a budget adjustment.

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

Alderman Kinion: It is important we move forward with this needed improvement. We did not take this specific action to the Water & Sewer Committee.

Alderman La Tour: An elderly citizen called me and is concerned that Scull Creek is eroding her property. Anything we can do to help her out I would be appreciative of.

Alderman Long: Did you say Water & Sewer did not look at this?

Alderman Kinion: We've talked about the situation, but we didn't discuss this specific action. This is a remedy that has been discussed. The erosion is evident.

Mayor Jordan: It is a rough area and needs to be fixed.

Alderman Marsh: When the rain comes it is inundated. There are homes with significant historical value in this area. We need to make this improvement.

Mayor Jordan: This has been going on for a long time and we have been working to get funding for it over several years. When it rains hard it gets out of the banks.

Alderman Tennant moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the resolution passed 6-0. Alderman Petty and Schoppmeyer were absent.

Resolution 80-15 as recorded in the office of the City Clerk

RZN 15-4953 - 1195 South Curtis Avenue: An ordinance rezoning that property described in Rezoning Petition RZN 15-4953, for approximately 6.8 acres, located at 1195 South Curtis Avenue from RSF-4, Residential Single Family, 4 units per acre to RMF-24, Residential Multi-Family, 24 units per acre.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is recommending approval. Planning Commission voted in favor 7-0.

Eric Duca, Potential purchaser of the property stated he was looking for an opportunity to develop the 6.8 acres. He stated he doesn't have any specific plans at this point and is looking for a zoning variance.

Alderman Marsh: I heard that this property is in a wetland area. Looking at aerial photos, I don't see anything to indicate that would be true.

Jeremy Pate: Not that I am aware of.

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 Petty and Schoppmeyer were 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 6-0. Alderman Petty and Schoppmeyer were absent.

City Attorney Kit Williams read the ordinance.

Alderman Tennant: I went and looked at the land and was surprised how much land was back there. To the people who might be concerned about crime, I believe a development might help because of the open dark land that is currently there.

Alderman Kinion: I understand the concern of some individuals of losing a ball field in the city. This is much larger when we are looking at the rezoning issue. I am going to support it after looking at the area as a whole. We don't want to prevent anyone from having access to recreational facilities. I hope we are moving forward to handle that with the expansion of our parks system.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Petty and Schoppmeyer were absent.

Ordinance 5760 as Recorded in the office of the City Clerk

Active Transportation Plan and Map: A resolution to adopt the Fayetteville Active Transportation Plan and Map.

Peter Nierengarten, Sustainability & Resilience Director gave a brief description of the resolution. He stated this plan reaffirms the city's commitment to the future of active transportation, develops a set of realistic goals, and provides a comprehensive approach for planning pedestrian and bicycle infrastructure. He stated it provides the framework for building a healthy and robust network that will lead to a more vibrant and active community. He thanked staff members Lee Porter, Dane Eifling, Leif Olson, and Matt Mihalevich for their work.

Matt Mihalevich, Trails Coordinator gave a brief description of the Active Transportation Map.

Mayor Jordan: Great job and plan.

Alderman Long thanked city staff for all their hard work.

Alderman Gray moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the resolution passed 6-0. Alderman Petty and Schoppmeyer were absent.

Resolution 81-15 as recorded in the office of the City Clerk

Amend §33.329 Eligibility of Citizen Volunteers: An ordinance to Amend §33.329 **Eligibility of Citizen Volunteers to Serve on City Boards, Commissions and Committees** to remove the restriction on the number of consecutive terms a citizen may serve.

City Attorney Kit Williams read the ordinance.

Alderman Long gave a brief description of the ordinance. He stated this ordinance would create a more encouraging application process.

Alderman Marsh: Who are we not taking applications from?

Alderman Long: After someone has served two full terms, if there are other applicants for that position they are not able to apply until they have set out an entire term.

Alderman La Tour believes if someone is allowed to continue to be on a committee without term limit breaks it may restrict new thinking and innovation.

Alderman Gray: I feel we should keep in place what we have in place. Allow people to take a break and then they can come back.

Alderman Marsh: The term limits are an important part of keeping the boards fresh and keeping new ideas there. It gives other people in the community an opportunity to serve. You can currently move to other boards. I won't be supporting the ordinance.

Alderman Tennant: In order to change the process it needs to be more broken than it is. The process is cracked, but it's not broken. I won't support it, but I do understand the point. People being able to move to other committees is important and expanding their expertise in another way is important as well.

Alderman Long: Looking at this from a person that's not serving on the City Council. If they looked at us as elected officials and said that we are not able to make those hard decisions of who we appoint and who we don't after getting applications, then they would probably say we are running a high performance organization and we shouldn't be in that position. The Nominating Committee scrutinizes all those applicants. It might have not have been perfect in the past. It seems imperfect to say the City Council needs an arbitrary rule to say who they can and can't accept applications from. We aren't saying we are or are not going to appoint someone. We are saying we are going to have an option to look at someone if they are adding value.

This ordinance was left on the First Reading

Enact Article XXVII Construction Board of Adjustment and Appeals: An ordinance to enact Article XXVII Construction Board of Adjustment and Appeals in Chapter 33 Departments, Boards, Commissions and Authorities of the Fayetteville Code.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams stated the board is important. He stated they decide very technical issues in construction and it should be in the code.

Alderman Kinion stated the Nominating Committee supports the codification of the board.

Alderman Long: Do we have several boards and commissions that are not codified?

City Attorney Kit Williams: We don't have too many. This is not just an advisory board. This is a powerful board. We don't have to codify every single citizen volunteer board that is merely advisory.

A discussion followed about codification of boards and committees.

Alderman Gray moved to suspend the rules and go to the second reading. Alderman Tennant seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty and Schoppmeyer were 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 6-0. Alderman Petty and Schoppmeyer were absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Petty and Schoppmeyer were absent.

Ordinance 5761 as Recorded in the office of the City Clerk

Amend §110.01 Billposting: An ordinance to Amend §110.01 Billposting.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams gave a brief description of the ordinance. His hope is that it will continue to lessen litter in the city.

Alderman Gray moved to suspend the rules and go to the second reading. Alderman Tennant seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty and Schoppmeyer were absent.

City Attorney Kit Williams read the ordinance.

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 6-0. Alderman Petty and Schoppmeyer were absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Petty and Schoppmeyer were absent.

Ordinance 5762 as Recorded in the office of the City Clerk

Amend § 72.03 Parking Prohibited in Certain Places: An ordinance to Amend § 72.03 **Parking Prohibited in Certain Places** of the Fayetteville Code by enacting a new subsection to prohibit parking on a city street in front of and blocking a mailbox.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: I see a change that should be made. We don't want to prohibit parking in front of mailboxes on a federal holiday because the mail is not going to be delivered then.

Alderman Long gave a brief description of the ordinance. He stated a citizen wasn't able to get their bills because a neighbor would not move their vehicle. He stated there is not any codification on this for enforcement.

Alderman La Tour stated he supports the proposed amendment that City Attorney Williams suggested.

Peter Tonnessen, 3500 Hearthstone Drive: What will be the impact on merchants?

Alderman Long: Usually when a service provider is coming to your residence they are back and forth between their truck. They can move their truck for a mail delivery person. That is not someone who is repeatedly parking there day after day to prevent someone from being able to get their mail.

City Attorney Kit Williams: This is a major change in the city and you might want to leave it on the first reading to speak to your constituents.

Alderman Long moved to amend the ordinance to exclude days the US Postal Service does not deliver mail. Alderman La Tour seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty and Schoppmeyer were absent.

Greg Tabor, Chief of Police: I have concerns about what Alderman Long just said about the service providers. If an officer happens to come down the street after the service provider goes in the house, the potential is there for that vehicle to get a citation for prohibited parking. It is something we need to give some thought too as an enforcement standpoint.

Alderman Long: This would be a complaint driven ordinance. The person complaining about their mailbox being blocked would be the person who called.

Greg Tabor, Chief of Police: That's the first I have heard about it being complaint driven.

City Attorney Kit Williams: This doesn't say it's only complaint driven. Normally our zoning ordinances are complaint driven.

A discussion followed about police officer discretion.

Peter Tonnessen, 3500 Hearthstone Drive stated his concern of restricting parking for nine hours a day for the one minute the postal driver stops at the box and delivers the mail.

Kyle Smith, 2801 West Dove Drive quoted the Domestic Mail Delivery handbook. He stated customers must keep the approach to their mailboxes clear of obstruction to allow safe access for delivery.

Alderman La Tour: I would hate to change the rule for the whole city due to one isolated case. We have survived as a city since 1834 without the regulation. I always default toward not passing a law if we don't need one.

Greg Tabor, Chief of Police: This is not just one isolated case. This does come up several times a year. It is frustrating to the residents when someone is parked in front of their mailbox for several days in a row. There is nothing the Police Department can do and residents have a hard time understanding that.

Alderman Gray: Once we get it into place the business people as well as residents would follow it. I will be supporting this.

Alderman Tennant: I think we should hold it.

Alderman Long stated this is not one isolated incident. He discussed an incidence about someone blocking an elderly disabled man's mailbox and he wasn't able to get his mail.

A discussion followed about complaint driven parking in and around the Entertainment District.

This ordinance was left on the First Reading

Announcements:

Don Marr, Chief of Staff: The city is taking input on a survey for our citizens to provide comments on trash reduction diversion and recycling.

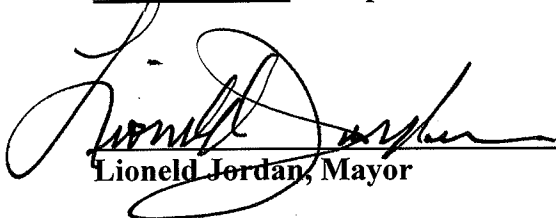
The city is accepting sealed bids for the purchase of two residential properties the City Council has put for sale that was acquired as a part of the Gulley Park expansion. The properties are located at 2634 and 2648 Old Wire Road. Bids are due before Monday, May 4, 2015.

City Attorney Kit Williams: This is an opportunity to live next to one of our beautiful parks.

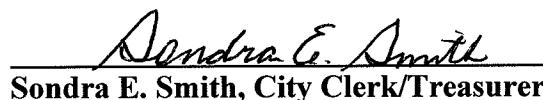
City Council Agenda Session Presentations: None

City Council Tour: None

Adjournment: 7:49 p.m.



Lioneld Jordan, Mayor



Sondra E. Smith, City Clerk/Treasurer