

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
August 4, 2015**

A meeting of the Fayetteville City Council was held on August 4, 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, John La Tour, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Justin Tennant and 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 July 21, 2015 City Council meeting minutes.

Approved

Bid No. 15-27 Austin King, Inc. D/B/A King Electrical Contractors: A resolution to award Bid No. 15-27 and authorize a contract with Austin King, Inc. D/B/A King Electrical Contractors, Inc. in the amount of \$82,700.00 for the purchase and installation of electrical busways at the Noland Wastewater Treatment Plant, and to approve a project contingency in the amount of \$8,270.00.

Resolution 127-15 as recorded in the office of the City Clerk

Bid No. 15-41 Bulk Crushed Rock Salt: A resolution to award Bid No. 15-41 and authorize the purchase of bulk crushed rock salt from Central Salt, LLC as primary supplier and Oakley Fertilizer, Inc. as secondary supplier for materials delivered, and Oakley Fertilizer, Inc. as primary supplier and Central Salt, LLC as secondary supplier for materials picked up, for varying unit prices as needed through the 2015-2016 winter season.

Resolution 128-15 as recorded in the office of the City Clerk

Riggs Cat of Springdale: A resolution to authorize the purchase of three (3) 2015 Caterpillar 420F2 backhoes from Riggs Cat of Springdale, Arkansas in the total amount of \$286,007.58 pursuant to a National Joint Powers Alliance Cooperative purchasing agreement for use by Transportation Services, Parks and Recreation, and Water and Sewer Operations.

Resolution 129-15 as recorded in the office of the City Clerk

Williams Tractor of Fayetteville: A resolution to authorize the purchase of two (2) 2015 Bobcat E45 T4 Excavators from Williams Tractor of Fayetteville, Arkansas in the total amount of \$118,800.00 pursuant to a National Joint Powers Alliance Cooperative purchasing agreement for use by the Transportation Services Department, and to approve a budget adjustment.

Resolution 130-15 as recorded in the office of the City Clerk

Ranger's Pantry and Community Development Block Grant Program Income: A resolution to approve a budget adjustment in the total amount of \$20,910.00 representing donations to Ranger's Pantry and Community Development Block Grant program income received from housing lien payoffs and the sale of public facilities equipment.

Resolution 131-15 as recorded in the office of the City Clerk

Arkansas Department of Parks and Tourism's Outdoor Recreation Grant: A resolution to authorize an application for a 50/50 matching grant, through the Arkansas Department of Parks and Tourism's Outdoor Recreation Grant Program, in the amount of \$150,000.00 for the construction of playground and parking improvements at Wilson Park.

Resolution 132-15 as recorded in the office of the City Clerk

Paymentus Agreement: A resolution to approve a two (2) year Master Services Agreement with Paymentus Corporation to upgrade the city's electronic utility bill payment services for an initial setup fee of \$15,000.00 and an estimated cost of \$35,000.00 per year.

Resolution 133-15 as recorded in the office of the City Clerk

Habberton Road Water Main Construction: A resolution to express the City Council's agreement that the city should facilitate the construction and financing of a water main along Habberton Road by accepting debt service payments as part of the customers' water bills and remitting those payments to the financing entity.

Resolution 134-15 as recorded in the office of the City Clerk

2016 Employee Benefits Package: A resolution to approve the 2016 employee benefits package.

Resolution 135-15 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 6-0. Alderman Tennant and Schoppmeyer were absent.

Unfinished Business:

RZN 15-5044 (4065 E. Huntsville Rd./The Plaza): An ordinance rezoning that property described in Rezoning Petition RZN 15-5044, for approximately 16.02 acres, located at 4065 E. Huntsville Road from R-PZD 08-3071, Residential Planned Zoning District Bridgedale Plaza to RSF-7, Residential Single Family, 7 Units Per Acre, NS, Neighborhood Services, and CS, Community Services. ***At the June 2, 2015 City Council meeting, this ordinance was left on the first reading. At the June 16, 2015 City Council meeting, this ordinance was left on the second reading. At the July 7, 2015 City Council meeting, this ordinance was left on the third reading and tabled to the July 21, 2015 City Council meeting. At the July 21, 2015 City Council meeting, this ordinance was tabled to the August 4, 2015 City Council meeting.***

Jeremy Pate, Director of Development Services gave a brief description of the ordinance.

Robert Rhoads, Hall Estill Law Firm: I represent the developer. The twelve acre portion has been reclassified to request Neighborhood Conservation instead of RSF-7. Neighborhood Conservation allows for ten lots per acre, however the developer will enter into a Bill of Assurance to limit the number of lots at fifty-seven or 4.7 lots per acre. This is compatible with the surrounding area. This is the type of project that the city is looking for when it talks about infill. The Planning Department supports the project at the 4.7 acres per lot request. In addition, the developer will add five other promises on a Bill of Assurance that speak not only to the Single Family twelve acres, but also the Residential Office and the Community Service portions of the zoning request. Those contractual promises are: a gas station will not be built; there will be three points of ingress and egress plus a stub out on the east; the developer will pay his fair share of any

future traffic signal when one becomes warranted by the State Transportation Department; the developer will pay his fair share of work to alleviate an off-site drainage issue that the city and developer had planned on fixing as stated in the original 2008 PZD; and the developer will pay a reasonable amount to restripe a third turning lane to serve the main entrance of this particular development. The developer owned this property before it was a PZD, but unfortunately due to the economy downturn, he couldn't develop it and it has expired.

Alderman La Tour: Why was the original zoning not adequate for what he wanted to do?

Robert Rhoads: The original zoning was for RSF-7 and the developer indicated that he would only develop it to the tune of fifty-seven lots which is the same thing we are asking for today. Today we are asking for the Neighborhood Conservation which the developer feels to be a better fit for that neighborhood.

Alderman La Tour: In the original zoning there's a residential zoning, now we're moving into a zoning that would allow some commercial development?

Robert Rhoads: The original PZD was pretty much like it is now, except it was denser. The original zoning request was exactly like it is today except for the fact it's Neighborhood Conservation on those bottom twelve acres.

City Attorney Kit Williams: I appreciate that Mr. Rhoads has brought in a letter with his desire to provide us with a Bill of Assurance. Until we have a signed Bill of Assurance in front of the City Council, you can't rely on it for zoning decisions. In my recent memo to you, I repeated that compatibility is probably the most important factor. I listed twelve factors, including traffic. I did not put grading and drainage because that is a development issue, not a zoning issue. I would encourage you not to look at the plat. A plat is a development decision. If you want to consider the factors and conditions that have been suggested by this applicant then tonight is not the night. It will need to be tabled so a Bill of Assurance could be done and signed by the proposed developer. This is an expired land zoning district, which means nothing can be built on that land. I don't like that. It needs to be zoned something.

Alderman Petty moved to table the ordinance to the August 18, 2015 City Council meeting. Alderman La Tour seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant and Schoppmeyer were absent.

This Ordinance was Tabled to the August 18, 2015 City Council Meeting.

Arkansas Legacy LLC Appeal: An ordinance rezoning that property described in Rezoning Petition RZN 15-5066, for approximately 3.98 acres, located at 1338 and 1326 W. Cleveland Street from RMF-24, Residential Multi-Family, 24 units per acre and RSF-4, Residential Single-Family, 4 units per acre to DG, Downtown General subject to a Bill of Assurance. ***At the July 21, 2015 City Council meeting, this ordinance was left on the first reading.***

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

City Attorney Kit Williams read the ordinance

Jeremy Pate, Director of Development Services stated the applicant requested this item to be considered August 18, 2015.

Alderman Long: I know we have quite a few constituents here tonight that may like to speak on the matter since it's only on the second reading.

Brian Teague, Community by Design: I am representing the owners of the property. We are working on different zoning options and have requested that the Council give us a little bit more time to work on that.

City Attorney Kit Williams: Will you have enough time if it's just at the next meeting, or do you want to table it beyond the next meeting?

Brian Teague: We would prefer to table it to the next meeting.

Alderman Long: This is an appeal from the Planning Commission to Downtown General. If there was a new type of rezoning requested, that would need to go back through the process of the Planning Commission and Planning staff.

City Attorney Kit Williams: The City Council has a lot of authority in this area and can refer it back to Planning Commission if you feel that's necessary, but certainly don't have too.

Alderman Long: In order to maintain the integrity of our process, by sending it back to Planning at this point for a different type of zoning, the neighbors wouldn't receive the full notifications that they normally do. It would be better for the developers to get a vote on the Downtown General zoning, and if it was denied then they could submit a new packet.

Mayor Jordan: Do you want to weigh in or hear from the neighbors first?

Alderman La Tour: I know how the neighbors feel. This is a legitimate dilemma for myself. Unless you are asking for a nuclear waste dump or a junk yard, I'm going to go with the landowner and his request. The landowner assumes the risk, puts in the time and effort, it's his/her money they're risking, they pay the taxes, and they do everything. If they build something crummy, nobody is going to want to buy or rent it. I've heard from neighbors. I too have concerns about bringing in a Downtown General classification out of the Downtown Area. If it comes to an up or down vote, I'd be voting against the proposal tonight. Speaking with both neighbors and developer, both sides are fairly close at arriving at the same conclusion. I'd like to see them have another two weeks to work together and have a dialogue.

Alderman Marsh: As far as sending it back to the Planning Commission, we didn't propose to do that at the last zoning change. I don't feel that it's necessary.

Archie Schaffer, 1404 West Cleveland spoke in opposition of the ordinance and wants to hear what the developer has to say in two weeks.

George Hamilton, 1400 West Cleveland spoke in opposition of the ordinance.

Susan Gardner, 909 Hall spoke in opposition of the ordinance.

Alderman Long: Since January 24th, there have been multiple meetings with the neighbors. I think what my constituents would like for me to communicate is that if we are going to consider other types of zoning for this project, that we do so in a separate consideration than the appeal of the Planning Department.

Alderman Long moved to suspend the rules and go to the third and final reading. Alderman Kinion seconded the motion. Upon roll call the motion failed 2-4. Alderman Kinion and Long voting yes. Alderman Marsh, Petty, La Tour and Gray voting no. Alderman Tennant and Schoppmeyer were absent.

This Ordinance was Left on the Second Reading

City Council's Intention to Purchase the Fayetteville Chamber of Commerce Building: A resolution to express the City Council's intention to investigate a possible purchase of the Fayetteville Chamber of Commerce building on Mountain Street. *At the July 21, 2015 City Council meeting, this resolution was tabled to the August 4, 2015 City Council meeting.*

Alderman Gray: We went on an excellent tour yesterday on both buildings. This is something we need to look at and consider.

Alderman Kinion: This is just a request to gather information, not a request to buy the building. The tour did add additional information that I thought was valuable.

Alderman Petty: I put together a quick financial analysis on it and it seems fine. The Mayor has already had the staff put a bit of time into this. The only compelling reason I can come up with is that it is contiguous with some of the other properties you own. I don't think it's worth the time to investigate more because we have enough land down here, where if we did have a need in the future, we could meet that need.

Alderman Marsh: I did attend the tour yesterday, it was very helpful. I'm going to have to agree with Alderman Petty about not wanting to invest more staff time in this. The administration has investigated the possibility very sincerely. The suggestion was to potentially move some of our Police Department into the building. After touring their facility yesterday and seeing the amount of technology that is integrated into their space, it was be a major undertaking to transfer that into the new facility. When the Chief says it's not the right fit, I take a lot of stock in that opinion. I

have other priorities for our reserve funds right now. We are going to see a lot of other needs in our community coming up. We need a vital Downtown area and that includes making that space more for retail or restaurant space.

Lorraine O'Neal spoke in opposition of the resolution.

Alderman Long: I appreciated the intent with this resolution to ask administration to study it further. We got a lot of really good information while we were on the tour. There were a lot of costs and things about the building that didn't fit with what we need. That would be a great property to have for the City of Fayetteville in the future, but I'd like to leave our reserve funds where they are. I'm not going to be supporting the resolution, but that's not because I didn't support the intent originally of it. Thank you both for your time you spent on this.

Alderman Gray: I am going to vote for it. In our brief discussion last week there were several good ideas that came up that the building could be used for. As Alderman Kinion said, it is connecting a connecting property.

Alderman Kinion: Due to the location of the property, it seemed valid to investigate the value to the city, both in the short run and in the long run. That was the intent of the resolution. It is a valuable property with the potential for generating income if it's managed properly.

Alderman Long: The resolution is only asking the City Administration to examine the possible purchase or acquisition. On the tour, they did mention leasing the facility. If we were to lease this facility with an option to purchase after a number of years, what would we do with that? Would we be able to cash flow the building on a rental basis without exposing ourselves to too much risk?

Paul Becker, Finance Director: We don't have the expertise to manage that. We would have to contract somebody to manage it and market it. Once you do that, you always assume the market risk. If in fact we couldn't rent it or rent it for the cost of it, that would be a risk we would take on. As far as funding it, we would have to fund it out of reserve.

Alderman Kinion: I will refer to the language we used, to purchase not to lease.

Alderman Gray moved to approve the resolution. Alderman Kinion seconded the motion. Upon roll call the resolution failed 2-4. Alderman Kinion and Gray voting yes. Alderman Marsh, Petty, La Tour and Long voting no. Alderman Tennant and Schoppmeyer were absent.

This Resolution Failed

New Business:

Kessler Consulting Amendment No. 1: A resolution to approve amendment No. 1 to the contract with Kessler Consulting, Inc. in the amount of \$39,980.00 for assistance with the design and

implementation of a commercial food waste pilot program and a single stream recycling pilot program, and to approve a budget adjustment.

Jeff Coles, Recycling & Trash Collection Director: The Recycling & Trash Collection Division entered into a contract via resolution in September of last year with Kessler Consulting to develop a ten year master plan which became the Waste Reduction Diversion and Recycling Master Plan. It was to increase and obtain a fourfold increase in our waste diversion, which diversion being diverting waste from the landfill. When the waste audit was conducted, that became the emphasis for a lot of discussion and the proportion amounts of certain elements in our waste stream that we're not recovering. There was an effort to see what was available to us and the possible pursuit of pilot programs for commercial food waste to integrate into our existing composting system, and also a residential recycling pilot. This was not in the original scope of work under the contract with Kessler for the master plan.

Alderman La Tour: You mentioned in your presentation a fourfold diversion rate. What is that current diversion rate?

Jeff Coles: Approximately, 20%.

Alderman La Tour: Fourfold would be 80%?

Jeff Coles: That's correct.

Alderman La Tour: I understand the philosophy of going to a single stream diversion rate with food waste from the university. I would like to be able to vote for this, but I'm concerned that there may be a hook in the worm. I'm concerned about coercion of our citizens. To obtain an 80% diversion rate, I'm not sure we can get there on a strictly volunteer basis. Before I can vote for a proposal like this that would obviously make a lot of sense, I want commitments from our Council saying we are going to educate, we are going to persuade, but we will not coerce people to obtain this fourfold diversion rate.

Jeff Coles: You just mentioned that these pilot projects could be valuable to us, and we believe they will be from the standpoint of the data we derive information and what we're able to do.

Alderman Long: What materials recovery facilities or sorting facilities have we been in contact with or are meeting with?

Jeff Coles: There are representatives here tonight with Harmon Recycling. They are a potential partner in the pilot program on the residential recycling.

Alderman Long: Would that be the only market we would be in contact with for the single stream program?

Jeff Coles: With respect to this particular effort, as far as initiating a pilot program, we've had very positive response from them. There's not necessarily that potential with others, at least that I'm aware of.

Alderman Long: We had talked a little bit and you had mentioned Georgia Pacific was one of the companies that are building materials recovery facilities all around the country. Is that something that may be coming to this region? They buy all our paper?

Brian Pugh, Waste Reduction Coordinator: They buy mixed paper and some of our cardboard.

Don Marr, Chief of Staff: I want to make a comment about processor versus commodity selling. You can have multiple places that you go too, to push your commodity, in terms of sale that are outside your processor. We are the single processor. The city of our current recycling program, but Brian markets to multiple markets to get the best price. The part with this pilot is because we don't want to put the whole city on it and find out it was a plan to use a 1,000 households and to find a processor that would be willing to do that at a cost. If we decided to go down this road it would have to be a bid process because of the dollars involved. In that particular case, the processor would have to be selected and a RFP written to ensure the things we know are important to our citizens and our Mayor. We have been touring facilities. We have seen some very poor ones and we have seen some very good ones.

Alderman Long: In Fall of 2012, the city collected a lot of three through seven plastics and the person we were sending it too stopped taking it. I don't want that to happen again. If we get involved with one facility who is taking our trash, because it's all mixed together, who is going to pick it up without that second contract?

Jeff Coles: I understand that concern. I go back to that this effort is to gain whatever knowledge and data we can via these pilot programs. As far as assurances, contractually or otherwise, and the perpetuity of a program, I would imagine that would have to be vetted as far as that contractual obligation and securing. From a financial standpoint, and any assurances, I don't know at this point.

Alderman Long: I wish those were things we could find out in moving forward with a pilot where we are actually collecting materials. More transparency in the process should be there, as far as collection and where it is going.

Jeff Coles: Those are things we will be working on. We will be investing time and effort into making determinations to gain information.

Alderman Long: Is that information we can find out in two to four weeks?

Alderman Kinion: What we are talking about tonight as a result of the audit, is that we need to add another component to the Kessler study so that we can answer those questions you are asking. We don't have the answers yet because it is part of the study that we have funded. What we are considering tonight was the result of the waste audit which was already part of the process. We don't have the information. We are paying to gather the information. We are adding another element to have more complete data so that the answers can be more completely presented and we can understand the bigger picture when we get the report from Kessler Consulting. If you look at the waste audit, one of the things we have to look at in order to reach our lofty goals is the value

of diverting commercial food waste. It will be integrated into the larger study where we will have a lot of information so that we can make determinations of how to move forward.

Terry Gulley, Transportation Services Director: Over a year ago we brought up the 80% diversion as a lofty goal. Through evaluations and what we have found from the food in the waste audit was potential other things we could recycle. We are trying to gather as much information as possible so that we can answer all the questions. The processor we are looking at now has indicated to us that they don't have the capacity to take all of this. In the meantime, Harmon Georgia Pacific gave us interest in doing that and working with us and gave us this option to come up with this evaluation in the short term. We are hoping 60 to 90 days will lead us to have some understanding of what additional material we might be able to do. Our consultant has told us if we meet the goal of 80% that we will be the number one recycling city in the country.

Alderman Long stated he hoped that we had learned information from the pilot that the city did in 2012.

Tiffany, 105 North Willow Street: Has dual stream been considered?

Jeff Coles: Dual stream has been discussed.

A discussion followed about pilot programs.

Fran Alexander, Fox Hunter Road stated in reference to the pilot programs she does not have any problem with the food waste. She stated if as a community we commit to our value of saving resources, then we would be directing our programs to that. She stated if we are simply tasking others to get rid of it for us, they have not included a pilot program for extensive value research of what the community wants. She stated when you lose quality, you lose market.

Rob Moore, Boston Mountain Solid Waste District stated it is imperative from a regional standpoint that Fayetteville is looked at as a beacon throughout this process. He stated that we are halfway through the process of gathering data. He believes it is the best and first real localized recycling data. He spoke in favor of the resolution.

Marilyn Braswell stated when she puts her recycling out at the curb, she wants to know that it is all going to be recycled.

Lorraine O'Neal, 3001 West Wedington stated single stream is a good idea. She stated it would be good to move forward on this without trying to bog it down with more information. She stated at some point the information becomes overwhelming and you can't make sense of it.

Dana Smith, 2832 North Centerwood, Fayetteville Public School teacher stated the school district has a 30% waste diversion rate. She stated that food waste is one of and possibly the largest component of the remaining waste stream that is going to the landfill. She stated approving the pilot program would be beneficial for necessary data to make informed decisions in the future.

Mayor Jordan: Are Fayetteville Public Schools doing single stream?

Dana Smith: We participate with the City of Fayetteville recycling.

Louise Mann, Gray Avenue stated it is good that we recycle plastic, but it would be better to reduce the use of it to keep it out of the ocean. She stated the problems of recycling are global and local. She stated falling oil process, a strong dollar, and a weakened economy in China have sent prices for American recyclables plummeting worldwide. She encouraged the City Council to maintain control of the resource streams, so that it does not become a waste stream. She requested for the City Council to consider a pilot program to be done on dual stream.

Alderman Kinion referred to the RFP and stated that the city's study is much broader than that. He discussed the major points of the study. He stated that the Council was looking at a very broad array of options, not only single stream.

Kim Johnson, Director of Chartwells Dining Service at the University of Arkansas stated diverting food waste from the landfill is very important. She stated they are trying to achieve a zero waste campus by 2020. She stated she was happy to be a part of the discussions with the City of Fayetteville on the pilot program.

Alderman Kinion: Thank you to Chartwells for being so kind to let us utilize your trash collection.

Kim Johnson: We're doing other things on the campus to reduce food waste. We are partnering with Razorback Recycling to distribute unserved food to our campus pantry and agencies in the City of Fayetteville. The food waste right now in the pilot program is production waste. We hope to achieve post-consumer at some point. We serve a little over 1.3 million meals a year on campus.

Peter Tonnessen, 3500 Hearthstone Drive stated he supported the city's efforts at recycling. He said there is a value in keeping the citizens involved in the process.

Garnett Wise, 3190 North Sheryl, industry representative for the Environmental Action Committee stated he supported the on-going study with Kessler and applauded the city for taking a leadership stance. He continued to speak in support of the resolution.

John Coleman, Citizen of Ward 2 stated he was encouraged with the city's leadership. He continued to speak in favor of the resolution.

Aubrey Shepherd, South Duncan Avenue agreed that something needs to be done about food waste. He stated that he doesn't think we need to discuss single stream again.

Alderman Long: If a single stream pilot was initiated with the City of Fayetteville, would that be a similar pilot to what you do with your commercial recycling?

Chuck Schmidt, GP Harmon representative: No, it would not. Our commercial recycling is large volumes and bales of cardboard, plastic, mostly post-industrial plastics.

Alderman Long: Like sandwich bales?

Chuck Schmidt: Yes, exactly. A single stream pilot would entail us using an intermediary processor. We're willing to participate at the local level to be a consolidator of the pilot material.

Alderman Long: When it comes to information that comes back to the cities from the materials recovery facilities or secondary processors, I understand that GP is a secondary processor, would GP Harmon be willing to give the city all that information, complete, and transparent?

Chuck Schmidt: Absolutely. The hallmark of our participation in the pilot would be a complete transparency of what we've received and working closely with the actual processors. I want to be clear, we do not have a single stream system here in Fayetteville. We would be engaging with another entity to process the material. We would engage and contract with that entity to make sure there is a transparent avenue back to the city and this Council.

Alderman Long: Who do you think that would be?

Chuck Schmidt: We've got a couple of options that we are weighing right now. We want to see where the pilot ends up tonight before we engage any further.

Alderman Long: Who are the couple of options?

Chuck Schmidt: One is Midwest Shredder, and is probably the most likely candidate we have. There are others that we have in mind.

Alderman Long: You said there are a couple and Midwest Shredder is the most likely?

Chuck Schmidt: I would say at this point there are others we are looking at. We really want to see where the Council ends up tonight.

Alderman Long: Would third party audits be allowed with your materials recovery facility that you would have or contract with and the secondary processors that it may go to?

Chuck Schmidt: Yes. We would be working very closely with Kessler to make sure and to participate in those audits to the extent that they'd want us to participate.

Alderman Long: Usually when you do a pilot program, the end goal is to evaluate if it is reasonable to move forward with a program. If it were reasonable to move forward with a program, are the single stream secondary processors and the materials recovery facilities that you've worked with willing to share that data with the cities and have third party audit?

Chuck Schmidt: You're speaking of post-pilot?

Alderman Long: Yes.

Chuck Schmidt: Our plan would be to look at the potential for starting up a plant here, so we would be the processor. We do not have a system in place in Fayetteville to process the material. I don't want to speculate too far, but if the pilot was successful and we were invited to participate

in a sourcing event to see if we could be the ultimate processor here, we would offer up the transparency and the audit you are referring too.

Alderman Petty: About a year ago Mark Kinion and I wrote the resolution that kicked all of this off. We caught some flak from the paper and had some hard questions from the other council members, specifically about the 80% goal. I decided to go with the 80% goal because I wanted to make it a "SMART Goal," which is specific, measurable, attainable, results focused and time bound. We wanted to put a date on it, 2025. I stand by that and think it was the right way to do it. When we wrote the resolution we put in it that education was the highest priority, because it has to be. We included all those other things because it's not enough. A lot of times we underestimate the scale of this problem. What I've come to believe, on average, single stream is terrible. Mostly old systems where people got into it with poor expectations, got into it too quickly, and didn't study it. Now after two to three decades later we are starting to see those ramifications in the market at scale. I support this idea of a pilot because I've seen examples of programs that aren't in the red, of programs that are safe, of programs that have contamination rates on par with our current system.

Alderman Marsh: We're seeing a demographic shift in this city. I've heard a certain disdain for the student housing and there's long been this idealism of the single family residence. The reality is that our demographics are shifting and the single family residence is no longer appropriate for a large segment of our population. Currently our curb sort recycling method is not appropriate to serve these other type of developments. We have to find another solution and that may be shift to single stream, maybe it's a hybrid system. We don't know the best solution until we do some investigating. Right now our recycling workers are out there at the curb in 100 degree weather, in 60% humidity, in winter and ice storms sorting trash. When I've been to a materials recovery facility line, I've seen sort lines that are ergonomically designed that have a reasonable degree of temperature control and more safety considerations.

Alderman Long: I really do support this commercial food waste pilot program. I wish we were voting on these two separately. I can't support a single stream pilot in the City of Fayetteville until we have detailed education plans first. We need to lay out the percentage of commodities that we say are going to be recycled first. We need to have it in the resolution that we need third party audits. We need to understand worker safety a little bit better. We need to make sure we have 100% transparency for all materials recovery facilities and secondary processors, which is something we don't have in writing yet.

Don Marr: Alderman Kinion hit a very important point and that is we are trying to study all of the options. We still, as staff, have a lot of questions about any system that we design. We have questions about the rate structure of a system. The items that the Council is talking about that the city should have been looking at when we passed the resolution are things we are actively involved with regularly. We sell commodities, we subsidize rates in the city by selling what we used to pay to throw away. We aren't interested in going to a single stream process that takes that away where we pay someone to process it and don't get the commodity sell back to subsidize our rate. That's a part of the study. While we don't have a perfect program, we are one of the only cities that commits dollars per household for education. That's a part of this. Policy is a part of this. Some of you want no policy, some of you want more policy. This is a comprehensive study.

Alderman Kinion: It's real easy to say we don't want to look at single stream because of the data we know about. Wouldn't it be nice to have local information to see specifically how we can support that argument one way or the other? From arguments heard tonight, the food waste pilot does have pretty good support. If you are wondering about the single stream element, in order to have real, accurate, complete, comparative data, I endorse having a local, controlled pilot so we can see if there is a shred of evidence of some unserved part of our current system that might benefit from the single stream.

Alderman La Tour: I wish I could vote for this, it sounds like a good deal. One of the people that spoke tonight mentioned recycle police. Alderman Petty admitted that education alone won't do the job. The question in my mind is, are we going to result to coercion or manipulation? I'd be glad to vote for this to learn, to gather the data if I could get commitments out of this group that says we will not manipulate our citizenry. Educate, persuade, talk about it, or hold public meetings.

Mayor Jordan: Jeff, how many households did you say? 1,000 households?

Jeff Coles: 800 to 1,000 households.

Alderman Petty: I wanted to quickly underscore something Alan said and Don mentioned which is how important transparency is. I hope that as we get specific about this pilot that we can even get down to the level of bin tracking, end to end.

Mayor Jordan: As you know, I haven't been real crazy about single stream recycling. This administration has been charged with the goal of 80% diversion by 2025. You all pass the legislation and we try to adhere to that the best we can. I've been very concerned about food waste. Council passed to do a \$200,000 study and we need about \$39,000 to finish the study. The main thing I want to know is the data. If single stream is the way to go, I need to know. It is going to take a long term commitment to do this.

Alderman Petty moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the resolution passed 5-2. Alderman Marsh, Kinion, Petty, and Gray voting yes. Alderman La Tour and Long voting no. Mayor Jordan voted yes to pass the resolution. Alderman Tennant and Schoppmeyer were absent.

Resolution 136-15 as recorded in the office of the City Clerk

Uniform Nondiscrimination Protections Special Election: A resolution to approve a budget adjustment in the amount of \$40,000.00 to provide funding for payment of costs related to the Uniform Nondiscrimination Protections Special Election.

Sondra Smith, City Clerk: When you approved the Uniform Nondiscrimination Protections Special Election, you did not approve a budget adjustment to pay for that special election. This is a budget adjustment to pay for the election.

Paul Becker, Finance Director stated the \$40,000 estimated cost was to reimburse the county for election costs, a majority of that being election workers, ballots, advertising and notification as required by law.

Don Marr: The city pays for any election that is held within the city limits, whether it's a Special or General Election.

Alderman Petty: Kit, is this required by law? Do we have an option whether or not we do this?

City Attorney Kit Williams: You all called the election and we have to pay for it. They estimated \$40,000, hopefully it will be less. We have to pay the bill.

Alderman Petty: I figure that's all the discussion that's necessary.

A discussion followed regarding the Rules of Order and Procedure and allowing comments after a motion to approve has been made.

Alderman La Tour: I'm looking at an e-mail from one of my constituents talking about flooding in her yard. We are going to spend \$40,000 on a Special Election that Kit Williams admits that this issue is probably going to be decided by a judge sometime. We have other things we should be spending money on. I understand that if it is state law we have to fund it.

Kyle Smith, 2801 West Dove drive spoke in favor of the resolution.

Peter Tonnessen, 3500 Hearthstone Drive stated he is opposed to the resolution because it is a fraud against the citizens of the city and a waste of their money. He stated this is the same law that citizens rejected last year. He believes it is a law that intends to use the police power of the government to punish people for the exercise of their personal religious faith. He stated his dissatisfaction with City Attorney Kit Williams and the City Council.

Mayor Jordan requested for Mr. Tonnessen to calm down a bit.

City Attorney Kit Williams led a discussion regarding the Rules of Order and Procedure and citizens only commenting on the item that is currently up for discussion.

Lorraine O'Neal spoke in opposition of the resolution.

Laura Phillips, 2055 South Klein: Do we have the money in the budget for this election?

Mayor Jordan: No. We are doing a budget adjustment.

Laura Phillips: We're not going to have to take out a mortgage on the city to pay for it?

Mayor Jordan: No, we can cover it.

Laura Phillips: Thank you.

Alderman La Tour: I understand that you have to keep order in your meeting, but I am appalled that you let other people in the previous discussion go on for twenty or thirty minutes. Mr. Tonnessen wanted to make his points and you shut him off. I think that was unfair and uncalled for. I understand a need for meeting orderliness, but I wish you would've given him more time to make his points. When we shut off debate and tell people they can't speak, that's what leads to violence. I hope in the future we'll show some deference to the citizens' abilities to speak their minds.

City Attorney Kit Williams: The Mayor has shown great patience on this. The rules that were passed by this City Council for the Rules of Order and Procedure says "a concise statement of a person's position on the question under discussion." The only question under discussion was never commented on by Peter Tonnessen, instead it was an attack on an issue that was decided months ago. This is a limited public forum, not an open public forum.

Alderman La Tour: I agree with what Mr. Williams just stated, there's no controversy there. I would like to see a uniform application of that rule. In the previous discussion, people droned on about recycling for twenty and thirty minutes and no one shut them off. When we get to this issue, we have to shut everybody off. It was an inconsistent treatment of the people.

Mayor Jordan: No it's not, John. Under our rules it says we are not to be rude to one another. When I hear comments that the City Attorney has done some kind of masking of some law and when I hear that we have a bad Council, it's a rude and disrespectful comment. All I asked was for him to ratchet it down a little bit and he absolutely refused so I had no alternative than to ask him to take his seat to keep order in the meeting. I have the authority to do that.

Alderman La Tour: I respect your authority.

Alderman Petty moved to approve the resolution. Alderman Long seconded the motion. Upon roll call the resolution passed 5-1. Alderman Marsh, Kinion, Petty, Long, and Gray voting yes. Alderman La Tour voting no. Alderman Tennant and Schoppmeyer were absent.

Resolution 137-15 as recorded in the office of the City Clerk

RZN 15-5103 (1837 W. Mitchell St./Dunn): An ordinance rezoning that property described in Rezoning Petition RZN 15-5103, for approximately 0.23 acres, located at 1837 W. Mitchell St. from RMF-24, Residential Multi Family, 24 units per acre, 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 voted 7-0 in favor of the rezoning. Staff is recommending support for the ordinance.

City Attorney Kit Williams read 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 Tennant** 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 Tennant** 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 Tennant** and **Schoppmeyer** were absent.

Ordinance 5788 as Recorded in the office of the City Clerk

ADM 15-5093 (UDC Chapters 161, 164 and 172 – Single Family and Two Family Infill): An ordinance amending Title XV Unified Development Code of the City of Fayetteville to Amend Chapters 161, 164 and 172 to modify the bulk and area regulations to encourage small lot single family and two family infill in multi-family zoning districts and to include minimum design standards for this type of development.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. He asked the Council to table the ordinance to September 15, 2015 to allow staff more time to investigate changes to incorporate into the ordinance.

Alderman Marsh: I will be at the Destination Downtown Conference on September 15th. I would like to participate in this discussion and vote.

Jeremy Pate: Two weeks after that would be fine.

Alderman Petty: I absolutely love this ordinance. I think it's something that's been needed for a long time. If I had any complaint at all it would be that so many benefits that are enumerated for small lot development are also true in many of our Single Family districts or Form Based districts. Maybe we should include districts like Neighborhood Conservation or Neighborhood Services if we are going to go through the trouble of making these changes.

Alderman Marsh: The lot minimum width of fifty feet seems quite generous. I would like the staff to examine either eliminating it or ratcheting it down to accommodate smaller housing types.

Alderman La Tour: If we make this change are we saying that the lots have to be small or are we saying you have the option to make them small?

Jeremy Pate: You have an option to make them small.

Alderman Petty moved to table the ordinance to the October 6, 2015 City Council meeting. **Alderman Long** seconded the motion. Upon roll call the motion passed 6-0. **Alderman Tennant** and **Schoppmeyer** were absent.

This Ordinance was Tabled to the October 6, 2015 City Council meeting

Repeal Chapter 171 Streets and Sidewalks: An ordinance to repeal Chapter 171 Street and Sidewalks and enact a replacement Chapter 171, Streets and Sidewalks of the Unified Development Code.

City Attorney Kit Williams read the ordinance.

Chris Brown, City Engineer gave a brief description of the ordinance. The Planning Commission recommends approval. The Transportation Committee recommends approval.

A discussion followed about the wording in Section 171.02.

Alderman Long moved to amend §171.02 (D) to remove the words openness and neighborliness. **Alderman Petty** seconded the motion. Upon roll call the motion to amend passed 5-1. **Alderman Marsh**, **Kinion**, **Petty**, **Long** and **Gray** voting yes. **Alderman La Tour** voting no. **Alderman Tennant** and **Schoppmeyer** were absent.

Alderman Petty 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 Tennant** 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 Long** seconded the motion. Upon roll call the motion passed 6-0. **Alderman Tennant** 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 Tennant** and **Schoppmeyer** were absent.

Ordinance 5789 as Recorded in the office of the City Clerk

Announcements:

Don Marr: The last Gulley Park Concert Series is Thursday, August 6th at 7:00 p.m. The band is Fast Times, and it's your chance to pull out all your '80's wear. It's an '80's night cover band. The city is hosting an input session to review the design concepts of College Avenue improvements on Tuesday, August 11th from 4-7 p.m.

Alderman La Tour: Next Tuesday night at the University Baptist Church at 7 p.m. there will be a meeting of people who are for Free Fayetteville. They are featuring a couple from Oregon who were put out of business by a similar ordinance to what we are going to vote on in September.

Alderman Long: The Omni Center for Peace Justice Ecology will have an education seminar on August 13th from 6:30-7:30 p.m. at the Fayetteville Public Library in the Walker Room.

Alderman Marsh: Energize Southside is hosting a Four-Points Revitalization Workshop with Main Street Arkansas program on August 13th from 5:30-7:30 p.m. at Christ's Church.

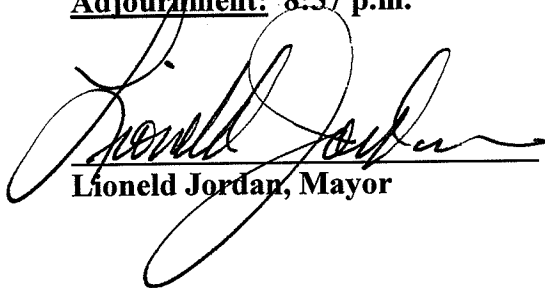
City Council Agenda Session Presentations:

Agenda Session Presentation - Willow Bend Project Update, John Anderson.

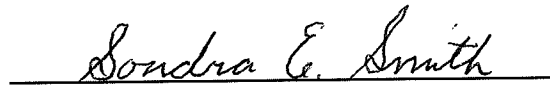
City Council Tour:

Monday, August 3, 2015 Chamber Building and Police Department.

Adjournment: 8:57 p.m.



Lioneld Jordan, Mayor



Sondra E. Smith, City Clerk Treasurer