

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
September 15, 2015**

A meeting of the Fayetteville City Council was held on September 15, 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, Mark Kinion, Matthew Petty, Martin Schoppmeyer, John La Tour, Alan Long, Mayor Lioneld Jordan, Assistant City Attorney Blake Pennington, City Clerk Sondra Smith, Staff, Press, and Audience.

Absent: Alderman Justin Tennant and Alderman Sarah Marsh

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items:

Nominating Committee Report

Alderman Kinion presented the Nominating Committee report and recommended the appointments as submitted.

A copy of the report is attached.

Alderman Kinion moved to approve the Nominating Committee report. Alderman Long seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant and Alderman Marsh were absent.

Agenda Additions: None

Consent:

Approval of the September 1, 2015 City Council meeting minutes.

Approved

Mason Company of Leesburg, Ohio: A resolution to authorize the purchase of thirty-six (36) kennel doors from Mason Company of Leesburg, Ohio in the amount of \$19,554.00 plus applicable taxes to replace the existing deteriorating kennel doors at the Fayetteville Animal Shelter.

Resolution 157-15 as recorded in the office of the City Clerk

Beaver Watershed Alliance Memorandum of Agreement: A resolution to approve a joint funding agreement with the U.S. Geological Survey for water quality sampling on the West Fork of the White River at a cost to the city of \$7,000.00, to approve a Memorandum of Agreement with the Beaver Watershed Alliance to fund the city's portion of the joint funding agreement, and to approve a budget adjustment.

Resolution 158-15 as recorded in the office of the City Clerk

Bid No. 15-46 Tomlinson Asphalt Co., Inc.: A resolution to award Bid No. 15-46 and authorize a contract with Tomlinson Asphalt Co., Inc. in the amount of \$301,201.16 for the construction of the Lake Fayetteville Trailhead Parking Lot project, to approve a project contingency in the amount of \$30,000.00, and to approve a budget adjustment.

Resolution 159-15 as recorded in the office of the City Clerk

Bid No. 15-49 United Rentals (North America), Inc.: A resolution to award Bid No. 15-49 and authorize the purchase of aluminum shoring from United Rentals (North America), Inc. in the amount of \$29,561.54 plus applicable taxes for use by the Water & Sewer Division.

Resolution 160-15 as recorded in the office of the City Clerk

Bid No. 15-50 Future Link of Illinois, Inc.: A resolution to award Bid No. 15-50 and authorize the purchase of seventeen (17) mobile computer systems from Future Link of Illinois, Inc. in the amount of \$80,556.50 for use by the Fire Department, to authorize the purchase of additional mobile computer systems as needed through December 31, 2015 in an amount not to exceed \$17,000.00, and to approve a budget adjustment.

Resolution 161-15 as recorded in the office of the City Clerk

2015-2016 Selective Traffic Enforcement Program Grant: A resolution to authorize acceptance of a 2015-2016 Selective Traffic Enforcement Program grant in the amount of \$112,900.00, and to approve a budget adjustment.

Resolution 162-15 as recorded in the office of the City Clerk

Arnold L. Hollingsworth Lease Agreement: A resolution to approve a two year lease agreement with Arnold L. Hollingsworth for the hangar located at 4568 S. School Avenue and office space in the Airport Terminal building in the amount of \$4,687.00 per month.

Resolution 163-15 as recorded in the office of the City Clerk

2015-2016 T-Hangar Lease Agreements: A resolution to approve T-Hangar lease agreements in 2015 and through 2016 at the current rental rate or as adjusted upward by the Airport Board for all T-Hangars rented at the Fayetteville Executive Airport.

Resolution 164-15 as recorded in the office of the City Clerk

Real Assets, Inc.: A resolution to authorize a contract with Real Assets, Inc. to represent the city in selling approximately 1.25 acres of city-owned real property on Old Wire Road near Gulley Park for a six percent (6%) commission.

Resolution 165-15 as recorded in the office of the City Clerk

Govdeals, Inc. of Montgomery, Alabama: A resolution to authorize a contract with Govdeals, Inc. of Montgomery, Alabama, pursuant to a National Joint Powers Alliance purchasing agreement, for the provision of online auction services for the sale of surplus or obsolete city property.

Resolution 166-15 as recorded in the office of the City Clerk

Federal Emergency Management Agency Assistance to Firefighters Grant: A resolution to authorize the acceptance of a 90/10 Assistance to Firefighters Grant from the Federal Emergency Management Agency in the amount of \$65,883.00 for the purchase of washer extractors and drying cabinets for the Fire Department, and to approve a budget adjustment.

Resolution 167-15 as recorded in the office of the City Clerk

Washington County Pre-Hazard Mitigation Plan: A resolution to adopt the Pre-Hazard Mitigation Plan for Washington County and the City of Fayetteville as required to qualify for future Federal Emergency Management Agency Pre-Hazard Mitigation funding.

Resolution 168-15 as recorded in the office of the City Clerk

Economic Development Consulting Services: A resolution to approve a six (6) month extension to the contract with the Fayetteville Chamber of Commerce for economic development consulting services in the amount of \$82,500.00 and to approve a budget adjustment.

Resolution 169-15 as recorded in the office of the City Clerk

Alderman Kinion moved to accept the Consent Agenda as read. **Alderman Gray** seconded the motion. Upon roll call the motion passed 6-0. **Alderman Tennant** and **Alderman Marsh** were absent.

Unfinished Business:

Amend 172.05 (ADM 15-5088 UDC Amendment Chapter 172.05 Non-Residential Parking Requirements): An ordinance to amend section 172.05 of the Unified Development Code to remove minimum parking standards for non-residential uses. *At the September 1, 2015 City Council meeting, this ordinance was left on the First reading.*

Alderman Gray 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 **Alderman Marsh** were absent.

Assistant City Attorney Blake Pennington read the ordinance.

Jeremy Pate, Director of Development Services: As discussed at the last City Council meeting, there were request by Council members to have this at three separate readings. We request that this be left on the second reading. We have been working on a new version. We will have that for you by the next Agenda Session for review.

This Ordinance was Left on the Second Reading

New Business:

Special Needs Assistance Program Grant Agreements: A resolution to approve Special Needs Assistance Program grant agreements with the U.S. Department of Housing and Urban Development in the total amount of \$414,161.00 for the city to administer programs to assist homeless Fayetteville residents.

Yolanda Fields, Community Services Director gave a brief description of the resolution.

Alderman La Tour: How will these funds be dispersed into our community? Will someone file an application with your office?

Yolanda Fields: There will be an application process. The goal is to obtain housing for individuals. It is three grants. One grant will help individuals with tenant based rental assistance.

The second grant, which makes up the total, is for payment of leasing for individuals that are homeless and disabled. The third grant would be working with landlords to provide homes for the homeless. This is for the chronically homeless and disabled.

Alderman La Tour requested information on how a homeless person would be able to apply and obtain the assistance available.

Yolanda Fields: We would work with them. We would have a case worker determine what their needs are and then qualify them as homeless individuals that meet the criteria. There are some individuals that are already working with the non-profit. We would continue those relationships and try to get the homeless folks help. We hope they would be able to come back into society as productive citizens.

Alderman La Tour: Is there any potential for discretion on the part of the administrator? You might have a thousand people apply that might exhaust the funds. How would you distinguish who should get the money?

Yolanda Fields: There are only a certain number of slots. You can only help a certain number of people at a time. They are allowed to be in those positions for a certain period of time. Once they cycle out, then you get new people in. The goal is to help people get back on their feet and provide them a home.

A discussion followed about homeless or disabled individuals not receiving assistance due to the slots already being filled.

Alderman La Tour: I am skeptical of HUD and their programs. I don't like giving people a handout. I like giving people a hand. I know of situations where there are seventh generations of families living on government payments. I don't think it is a good thing. I want people to be independent and produce for themselves. I understand if our program is to temporarily help someone get on their feet, which is fine. I don't want it to become a dependency.

Yolanda Fields: That is not the goal of this program. This is why there are slots and people recycle through. There is case management. It is working with an individual to get them to the point that they are standing on their own.

Alderman La Tour: I'm glad to hear that. Thank you.

Loraine O'Neal, 3001 West Wedington: I have skepticism on things of this nature. My concern is the portion that will be consumed by administrative cost. I have concerns about eligibility.

Alderman Kinion stated the three grants that are administered under this program can be viewed to see how they are broken down in services and administrative cost.

Mayor Jordan: Yolanda, do you want to address the administrative cost?

Yolanda Fields: There are limits and caps to what is utilized for administrative purposes. I want to assure you that we would meet all of those. HUD does all their monitoring. We have never had any issues with our administrative cost on our other federal grants. We have been in compliance for many years.

Alderman Gray: I am very happy that we as a city can take over this particular grant and administer it so that we can help the homeless people of our city. I am sorry that the non-profit that started it can't complete it, but I am delighted that we can step in and take over. I am very supportive of this.

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

Resolution 170-15 as recorded in the office of the City Clerk

Enact Article XXVIII City Board of Health: An ordinance to enact Article XXVIII City Board of Health in Chapter 33 Departments, Boards, Commissions and Authorities of the Fayetteville code.

Assistant City Attorney Blake Pennington read the ordinance.

David Dayringer, Fire Chief gave a brief description of the ordinance.

Mayor Jordan: We sat on that board together and they wanted to make these changes.

Alderman Gray 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 Alderman Marsh were absent.

Assistant City Attorney Blake Pennington read the ordinance.

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

Assistant City Attorney Blake Pennington read the ordinance.

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

Ordinance 5797 as Recorded in the office of the City Clerk

RZN 15-5148 (402 E. 7th St./Niederman): An ordinance rezoning that property described in Rezoning Petition RZN 15-5148, for approximately 0.20 acres, located at 402 E. 7th St. from NC, Neighborhood Conservation to RMF-12, Residential Multi-Family, 12 Units per acre.

Assistant City Attorney Blake Pennington 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 recommending approval.

Zara Niederman, Applicant stated he supports eliminating the commercial parking requirements. He stated he would like to give his encouragement to think more about the parking requirements for residential. He would like to see more dense development.

Alderman La Tour: What are you going to build on 0.20 acres?

Zara Niederman: The plan is to build two unit townhouses.

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

Assistant City Attorney Blake Pennington read the ordinance.

Alderman Gray: Did you say that staff recommends this?

Jeremy Pate: That is correct.

Alderman Gray moved to suspend the rules and go to the third and final reading. **Alderman La Tour** seconded the motion. Upon roll call the motion passed 6-0. **Alderman Tennant** and **Alderman Marsh** were absent.

Assistant City Attorney Blake Pennington read the ordinance.

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

Ordinance 5798 as Recorded in the office of the City Clerk

RZN 15-5149 (2975 Old Farmington Rd./King Sievert): An ordinance rezoning that property described in Rezoning Petition RZN 15-5149, for approximately 1.27 acres, located at 2975 Old Farmington Rd. from RSF-4, Residential Single Family, 4 units per acre to RSF-8, Residential Single Family, 8 units per acre.

Assistant City Attorney Blake Pennington 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 recommending approval.

Alderman Petty: I will be recusing from this vote, with an interest in the property and having filed the application.

Michael Ward, Infill Group stated his gratitude for the Planning Commission and city staff recommendation.

Alderman Gray moved to suspend the rules and go to the second reading. **Alderman La Tour** seconded the motion. Upon roll call the motion passed 6-0. **Alderman Petty** recused himself. **Mayor Jordan** voted yes to suspend the rules. **Alderman Tennant** and **Alderman Marsh** were absent.

Assistant City Attorney Blake Pennington read the ordinance.

Alderman Gray moved to suspend the rules and go to the third and final reading. **Alderman La Tour** seconded the motion. Upon roll call the motion passed 6-0. **Alderman Petty** recused himself. **Mayor Jordan** voted yes to suspend the rules. **Alderman Tennant** and **Alderman Marsh** were absent.

Assistant City Attorney Blake Pennington read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-0. **Alderman Petty** recused himself. **Alderman Tennant** and **Alderman Marsh** were absent.

Ordinance 5799 as Recorded in the office of the City Clerk

2015 Millage Levy: An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas, for the year 2015 fixing the rate thereof at 2.3 mills for General Fund Operations, 0.4 mills for the Firemen's Pension and Relief Fund, 0.4 mills for the Policemen's Pension and Relief Fund and 1.0 mill for the Fayetteville Public Library; and certifying the same to the County Clerk of Washington County, Arkansas.

Assistant City Attorney Blake Pennington read the ordinance.

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

Alderman La Tour: Speaking legally, once this tax is passed and it goes into the General Fund, is there anything that binds the city to spend the money for Police and Fire?

Paul Becker: No. It funds the entire General Fund.

Alderman La Tour: There is nothing binding in this ordinance that makes us spend the money for Police and Fire.

Paul Becker: The fact that we put them into the budget means that those positions will be there and an expense will be created.

Alderman La Tour: Can we take them out of the budget?

Paul Becker: The Police and Fire?

Alderman La Tour: Sure.

Paul Becker: These additional positions, yes.

Alderman La Tour: We are voting for an increase in the General Fund spending. It may or may not go to public safety. There is nothing binding in this that makes us put it to public safety.

Paul Becker: The City Council will approve the budget before December. At that point it will contain a request for these positions.

Alderman La Tour: We vote on budget adjustments every meeting. I don't want us to play this smoke in mirror game. Here is what we are voting for, when really it's General Fund spending.

Mayor Jordan: That will be for you all to determine.

Alderman Gray: I feel that it is our responsibility as a City Council to decide where the money goes. In the nine years I have been on the Council that is the way it has been. I don't see any chance that it is going to change.

Alderman Long: There is a certain amount of public trust put into our elected officials that are sitting here at this table. If we say that is what it is going to go for and if we vote for it, the public should trust that we are going to do that or vote us out of office next time.

Mayor Jordan: That is correct.

Paul Becker: These are fungible assets.

David Dayringer, Fire Chief gave a presentation on the impact of the City of Fayetteville's population growth on the Fire Department's ability to save lives and property. He stated the Fire Department is impacted in four different ways, which are; call volume increases, response time increase, survival rate and cardiac arrest decrease, and the amount of property the Fire Department can save decreases. He stated rapid response saves lives. He stated the response times and save rates are related. He stated in 2007 the save rate and cardiac arrest was 37% and in 2014 it was 22%. He believes the trend will continue due to the pressure on the public safety systems as the population continues to grow. He stated this isn't a one-time fix for what is occurring. He stated this is a public safety infrastructure that we will have to address periodically toward the future. He stated in order to meet the service demand the Fire Department recommends creating a new fire company and unfreezing two positions. He stated this will create a company in the core of the city

so that the outlying fire companies can stay in their first-in-area more often. He stated a position he would like to unfreeze is the Safety and Supply Battalion Chief.

Alderman La Tour: I am in favor of public safety and appreciate the job you do. I have the upmost respect for you and the Fire Department. This Council was discussing giving the Walton Arts Center \$50,000 earlier this year and I raised that very issue of unfunded frozen positions. You stood here and told us you didn't need them. Now you are telling us the opposite. What has changed?

David Dayringer, Fire Chief: One position isn't going to impact the response times. The response times are our number one priority. It takes a fire unit which is ten members to make an impact.

Greg Tabor, Chief of Police stated that last year Alderman Long brought up adding five new police positions and at the time we didn't feel it was needed. He stated 2006 was the last time the Police Department received personnel and that put them at a total sworn staff of 120. He stated as of today he is staffed at 120. He stated numbers have fluctuated up and down a little based on freezes and grants. He gave a presentation attributing to the increased workload, code zeros, and response times. He discussed the population of the city, enrollment at the University of Arkansas increasing, an increase in square miles inside the city limits, and an increase in road miles. He stated they did a trial nine beat for a quarter and it helped create a better response time. He stated one of the best things that can be done for crime prevention is to have officers greeting the public in a non-enforcement type situation. He stated the need for an additional dispatcher for increased calls, which would help with communication with the Fire Department when there is a structure fire.

David Dayringer, Fire Chief stated the number of fires has been going up. He stated the Shift Commanders have been talking about the need for an additional dispatcher. He stated it is a dangerous situation and the addition of a dispatcher would be helpful.

Mayor Jordan: I would prefer to leave it on this reading.

Alderman Long requested a copy be sent to him of Chief Dayringer and Chief Tabor's presentations.

Alderman La Tour: I appreciate Chief Tabor and Chief Dayringer. There is nothing legally binding and the City Council can change the funding anytime we want too. We aren't committing these funds to Police or Fire. We are increasing the tax on our citizens without a public vote. It would be fair to let the people vote if they want to pay the extra tax or not, instead of us imposing our will on the people. Those of us who are affluent, who have college educations, \$200 a year doesn't matter much to us, but there are a lot of people who don't have that privilege. I urge my colleagues to think of them when you vote and are we really committing this money to public safety. I am concerned that our Police and Fire do not have a designated mill like our library does.

Paul Becker, Finance Director: This is discretionary millage. There is no authority in the statutes to allow a specific designation that is required to public safety. When it comes to discretionary millage, it is the discretion of the Council.

A discussion followed about the City Council having authority to approve the budget and the amount of money allotted for public safety.

Blake Pennington, Assistant City Attorney: The Arkansas Constitution and statutes authorize several different types of millage that can be levied against personal and real property. It can go to general government activities, which is what this is for, bonded indebtedness, library maintenance and operation, library capital improvements and construction, and police and fire pension funds. Those are the only categories that the city is authorized to levy a millage for.

Alderman La Tour: We are voting for a general tax increase on our people. There is nothing that requires the money to go to Fire and Police, other than those of us up here who vote to put it there. We just spent over \$300,000 on a special study for single stream recycling. We just spent \$35,000 or \$40,000 to hold a Special Election. It bothers me that we spend all this money and now we can't make our budget and we have to increase our tax. We are going from 1.3 mills in the General Fund to 2.3 mills. That is a 77% increase.

Alderman Kinion: If we have \$300,000 that goes to a study that impacts our solid waste stream, that comes out of Enterprise Fund, not a General Fund. It is irrelevant to put it in this as a point. Our Enterprise Fund is operated separately than our General Fund.

Mayor Jordan: Paul, is that correct?

Paul Becker, Finance Director: That is correct.

Alderman La Tour: When we set our prices for Enterprise Funds, they are set. What we are charging our customers for trash collection, water, sewer, and all the services we provide, those prices are set to allow for that \$300,000 to be spent. If we weren't spending that \$300,000 we could lower our prices and people would have more freed up income to pay the higher tax. It is not irrelevant. It is still money coming from public funds.

Alderman Petty believes that statistics can be spun in many different ways. He stated there is only one way to pay for new Policemen and Firemen according to state law. He stated this is the way to do it and there is a need for new Policemen and Firemen.

Mayor Jordan: We are going to leave it right here and be back in two weeks.

This Ordinance was Left on the First Reading

Announcements:

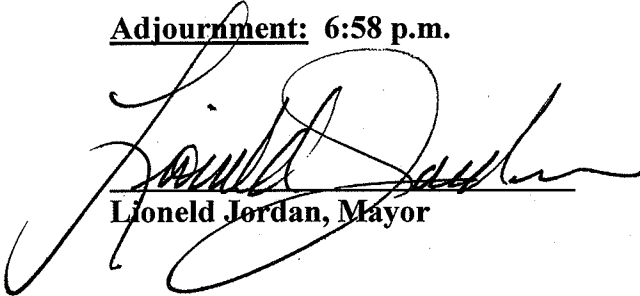
Alderman Long: There will be a Ward 4 meeting on September 28, 2015 in Room 111 at City Hall at 6:00 p.m.

City Council Agenda Session Presentations:

Agenda Session Presentation, General Fund Budget Presentation in regard to 2016 Millage Levy-
Paul Becker, Chief Financial Officer.

City Council Tour: None

Adjournment: 6:58 p.m.



Lioneld Jordan, Mayor



Sondra E. Smith, City Clerk Treasurer

Nominating Committee Report

Members Present – Chair Mark Kinion, Sarah Marsh, and Alan Long

Members Absent – Martin W. Schoppmeyer Jr.

The Nominating Committee recommends the following candidates for appointment:

BOARD OF ADJUSTMENTS

Stephen Clowney - One unexpired term ending 03/31/16

CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS

No applications were received

ENERGY IMPROVEMENT DISTRICT

Cameron Baker - One term ending 12/31/17

PUBLIC FACILITIES BOARD

No applications were received - One term ending 12/31/20

TOWN AND GOWN ADVISORY COMMITTEE

No applications were received - One Ward 1 Resident term ending 09/30/17

Teresa Williamson - One Ward 3 Resident term ending 09/30/17

WALTON ARTS CENTER COUNCIL

Doug Cummins - One unexpired term ending 06/30/18