Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Sarah Marsh
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Martin W. Schoppmeyer, Jr.
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Alan T. Long

Final Agenda
City of Fayetteville Arkansas
City Council Meeting
January 03, 2013

A meeting of the Fayetteville City Council will be held on January 03, 2013 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Oaths of Office:

1.	**Sarah Marsh**	**Alderman Ward 1**
2.	**Matthew Petty**	**Alderman Ward 2**
3.	**Martin W. Schoppmeyer, Jr.**	**Alderman Ward 3**
4.	**Alan T. Long**	**Alderman Ward 4**
5.	**Lioneld Jordan**	**Mayor**
6.	**Sondra E. Smith**	**City Clerk Treasurer**

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

1. **Election of Vice Mayor – ADELLA GRAY APPROVED**

2. **Report on the Firemen's and Policemen's Pension and Relief Fund** – Mayor Lioneld Jordan.

3. **Housing Authority Board Appointments - APPROVED**

Agenda Additions:

1. **Survey Citizens' Priorities for Capital Projects of a Cultural Nature:** A resolution to express the City Council's intention to survey citizens' priorities for Capital Projects of a cultural nature.

   P**ASSED AND SHALL BE RECORDED AS RESOLUTION NO. 01-13**

A. Consent:

1. Approval of the December 4, 2012 and December 18, 2012 City Council meeting minutes. **APPROVED**

2. **Arkansas Entertainers Walk of Fame:** A resolution to express the City Council's intention to allow Butch Stone and Jason Bigbee to establish an Arkansas Entertainers Walk of Fame on sidewalks around the interior of the Square and on Center Street.

   P**ASSED AND SHALL BE RECORDED AS RESOLUTION NO. 02-13**

B. Unfinished Business: None

C. New Business:

1. **Amend §72.18 Residential Parking Permit Program for the Entertainment District Parking Zone:** An ordinance to amend §72.18 Residential Parking Permit Program for the Entertainment District Parking Zone (A) Applicability to add the block of Ila between Wilson and Vandeventer to this zone.

   P**ASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5558**

2. **Amend §151.01 Definitions and §174.08 Prohibited Signs:** An ordinance to amend §151.01 Definitions and §174.08 Prohibited Signs of the Unified Development Code of Fayetteville to clarify regulations concerning electronic message boards.

   P**ASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5559**

3. **Amend §31.30 (E)(1) and §31.45 (G)(1):** An ordinance to amend §31.30 (E)(1) and §31.45 (G)(1) of the Fayetteville Code.

   P**ASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5560**

D. City Council Agenda Session Presentations:

E. City Council Tour:

F. Announcements:

Adjournment: 7:10 p.m.

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> **Consent Agenda.** Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If an Alderman wishes to comment upon or discuss a Consent Agenda item, that item shall be removed and considered immediately after the Consent Agenda has been voted upon.
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> **Old business and new business.**
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> > **Public comments.** Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.
>
> **Courtesy and respect.** All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

Interpreters or TDD for hearing impaired are available for all City Council meetings, a 72 hour advance notice is required. For further information or to request an interpreter, please call 575-8330.

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City Council Meeting: **January 3, 2013** **Adjourn:** 7:10 p.m.

Subject:	**Roll**				
Absent: Alderman Adams	**Marsh**	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	Absent			
	Long	✓			
	Gray	✓			
	Mayor Jordan	✓			

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	Adams				
	Long				
	Gray				
	Mayor Jordan				

City Council Meeting: **January 3, 2013**

Subject:	**Vice Mayor - Election**				
Motion To:		Gray			
Motion By:		Petty			
Seconded:		Tennant			
City Council Meeting Presentations Reports and Discussion Items: 1 Adello Gray Elected	**Marsh**	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	absent			
	Long	✓			
	Gray	✓			
	Mayor Jordan				

7-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	Adams				
	Long				
	Gray				
	Mayor Jordan				

City Council Meeting: **January 3, 2013**

Subject:	**Housing Authority Appointments**				
Motion To:		Approve			
Motion By:		Kinion			
Seconded:		Gray			
City Council Meeting Presentations Reports and Discussion Items: 2 Approved	**Marsh**	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Adams	absent			
	Long	✓			
	Gray	✓			
	Mayor Jordan				

7-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	Adams				
	Long				
	Gray				
	Mayor Jordan				

City Council Meeting: **January 3, 2013**

Subject:	**Survey Citizens' Priorities for Capital Projects of a Cultural Nature**				
Motion To:		Add to the agenda	Amend resolution	Approve	
Motion By:		Gray	Tennant	Petty	
Seconded:		Tennant	Petty	Tennant	
Added at the City Council Meeting 01-03-13	**Marsh**	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
Passed	**Adams**	absent	absent	absent	
	Long	✓	✓	✓	
01-13	**Gray**	✓	✓	✓	
	Mayor Jordan				
		7-0	7-0	7-0	

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	Adams				
	Long				
	Gray				
	Mayor Jordan				

City Council Meeting: **January 3, 2013**

Subject:	**Consent**				
Motion To:		Approve			
Motion By:		Kinion			
Seconded:		Tennant			
Minutes Approved	**Marsh**	✓			
	Kinion	✓			
	Petty	✓			
Passed	**Tennant**	✓			
	Schoppmeyer	✓			
	Adams	Absent			
	Long	✓			
	Gray	✓			
02-13	**Mayor Jordan**				

7-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	Adams				
	Long				
	Gray				
	Mayor Jordan				

City Council Meeting: **January 3, 2013**

Subject:	**None**				
Motion To:					
Motion By:					
Seconded:					
B. 1 Unfinished Business	**Marsh**				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	Adams				
	Long				
	Gray				
	Mayor Jordan				

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	Adams				
	Long				
	Gray				
	Mayor Jordan				

City Council Meeting: **January 3, 2013**

Subject:		**Amend §72.18 Residential Parking Permit Program for the Entertainment District Parking Zone:**			
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Kinion	Kinion		
Seconded:		Gray	Long		
C. 1 New Business	**Marsh**	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	N	N	
Passed	**Schoppmeyer**	✓	N	N	
	Adams	absent	absent	absent	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
5558	**Mayor Jordan**		✓		
		7-0	6-2	5-2	

Mayor Jordan voted to go to the third reading

Subject:		**Amend §151.01 Definitions and §174.08 Prohibited Signs:**			
Motion To:		Amend as handed out at the Council Meeting	2nd Read	3rd Read	Pass
Motion By:		Long	Petty	Tennant	
Seconded:		Gray	Kinion	Gray	
C. 2 New Business	**Marsh**	✓	✓	✓	✓
	Kinion	✓	✓	✓	✓
	Petty	✓	✓	✓	✓
	Tennant	✓	✓	✓	✓
	Schoppmeyer	✓	✓	✓	✓
	Adams	absent	absent	absent	absent
	Long	✓	✓	✓	✓
	Gray	✓	✓	✓	✓
5559	**Mayor Jordan**				
		7-0	7-0	7-0	7-0

City Council Meeting: **January 3, 2013**

Subject:	**Amend §31.30 (E)(1) and §31.45 (G)(1):**				
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Petty	Gray		
Seconded:		Tennant	Long		
C. 3 New Business	**Marsh**	✓	✓	✓	
	Kinion	✓	✓	✓	
	Petty	✓	✓	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
Passed	**Adams**	Absent	Absent	absent	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
5560	**Mayor Jordan**				
		7-0	7-0	7-0	

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	Adams				
	Long				
	Gray				
	Mayor Jordan				

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: **Mayor Jordan**

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams,** City Attorney

DATE: **January 4, 2013**

RE: **Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of January 3, 2013**

1. **Arkansas Entertainers Walk of Fame:** A resolution to express the City Council's intention to allow Butch Stone and Jason Bigbee to establish an Arkansas Entertainers Walk of Fame on sidewalks around the interior of the Square and on Center Street.

2. **Amend §72.18 Residential Parking Permit Program for the Entertainment District Parking Zone:** An ordinance to amend §72.18 (A) *Applicability* to add the block of Ila between Wilson and Vandeventer to this zone.

3. **Amend §151.01 Definitions and §174 Prohibited Signs:** An ordinance to amend §151.01 **Definitions** and §174.08 **Prohibited Signs** of the Unified Development Code of Fayetteville to clarify regulations concerning electronic message boards.

4. **Amend §31.30 (E)(1) and §31.45 (G)(1):** An ordinance to amend §31.30 (E)(1) and §31.45 (G)(1) of the Fayetteville Code.

5. **City Council's Intention for Citizen Cultural Survey:** A resolution to express the City Council's intent to survey citizens' priorities for capital projects of a cultural nature.

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Aldermen

Ward 1 Position 1 – Adella Gray
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Alan T. Long	**Alderman Ward 4**
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Call to Order

Roll Call

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Agenda Additions:

A. Consent:

1. Approval of the December 4, 2012 and December 18, 2012 City Council meeting minutes.

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Adjournment:

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FAYETTEVILLE HOUSING AUTHORITY
#1 North School Ave.
Fayetteville, AR 72701-5928
PH: (479) 521-3850 FAX: (479) 442-6771
E-MAIL: fayettevilleha@moregti.net

December 21, 2012

Mayor Lioneld Jordan &
Fayetteville City Council Members
City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701

Dear Mayor Lioneld Jordan & Fayetteville City Council Members:

This letter is to confirm that the Fayetteville Housing Authority's Board has elected two new commissioners at its December 20, 2012, Regular Board Meeting.

The two new Commissioners for the Fayetteville Housing Authority Board are Leon Jones Jr. and Mike Emery. Leon Jones Jr. was appointed to serve a five year term from December 29, 2012 to December 28, 2017. Mike Emery is filling an unexpired term of three years from December 28, 2012 to December 28, 2015.

The Fayetteville Housing Authority Board requests that these two newly elected commissioners, Leon Jones Jr and Mike Emery, be placed on the next City Council Meeting Agenda to be formally confirmed by the municipality's governing body in accordance with the Arkansas State Statue #14-169-208.

If you have any questions, please feel free to call or e-mail.

Sincerely yours,

Fredia Sawin
Executive Director

fs

Added at Agenda Session 12-27-12

AGENDA REQUEST

FOR: COUNCIL MEETING OF JANUARY 3, 2013

FROM:

ALDERMAN MATTHEW PETTY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Amend §31.30 (E)(1) And §31.45 (G)(1) Of The Fayetteville Code

APPROVED FOR AGENDA:

Matthew Petty
Alderman

12/27/2012
Date

City Attorney
(as to form)

12-26-12
Date

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §31.30 (E)(1) AND §31.45 (G)(1) OF THE FAYETTEVILLE CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends §31.30 (E)(1) relating to the beginning pay for a newly elected or appointed City Clerk by repealing (E)(1) and enacting a replacement (E)(1) as shown below:

"§31.30 (E)

"(1) The salary for a newly elected or appointed City Clerk-Treasurer shall be the same as the salary was for the outgoing City Clerk-Treasurer."

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends §31.30 (G)(1) relating to the salary for a newly elected or appointed City Attorney and enacting a new §31.45 (G)(1) as shown below:

"§31.45(G)

"(1) The salary for a newly elected or appointed City Attorney shall be the same as the salary was for the outgoing City Attorney."

PASSED and **APPROVED** this 3rd day of January, 2013.

APPROVED: ATTEST:

By: _____ By: _____
LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

Current law

calendar year.

(C) Cumulative annual pay increases over time may not cause the salary level to exceed the salary range for the position without City Council approval.

(Ord. No. 4357, 12-18-01)

Cross reference(s)--District Judge, §38.02.

State law reference(s)-- Salaries of personnel and other requirements of various municipal courts, A.C.A. §16-17-108.

31.19-31.29 Reserved

31.30 Office Of City Clerk-Treasurer

(A) *Created.* There is hereby created the office of the City Clerk, a department of the city. The City Clerk is hereby designated Clerk-Treasurer by the City Council and shall assume the duties of both clerk and treasurer. The office of City Clerk shall consist of the elected City Clerk, who shall be head of the office of City Clerk, together with Deputy City Clerks, Microfilm Clerks, Secretaries, Clerks, and such other employees as may from time to time be required by the office of the City Clerk. The number of employees in each of these categories and their respective salaries shall be fixed from time to time by the City Council through the city's budgetary processes.

(B) *Hiring.* The elected City Clerk shall hire and supervise the employees of the office of the City Clerk following the city personnel policy.

(C) *Duties.* The duties of the City Clerk with the assistance of the staff of the office of City Clerk shall be as follows:

(1) The City Clerk shall perform such duties as are prescribed by law for City Clerks of cities of the first class having an aldermanic form of government and such duties as may be prescribed by the City Council.

(2) The duties prescribed for the City Clerk shall be performed by the City Clerk, and in the absence of the City Clerk by a Deputy City Clerk appointed by the City Clerk.

(D) *Full-time employment.* The City Clerk and his/her duly authorized deputies and/or assistants shall be full-time officers and employees of the City of Fayetteville and shall not engage in outside employment without complying with the city's personnel policy.

(E) *Salary.*

to be Amended

(1) Salary for a newly elected or appointed City Clerk shall be $45,000.00.

(2) Upon re-election to the same position, the official shall retain their existing pay level.

(3) Annually at the first payroll period coincident with or first following January 1st, a pay adjustment will be made equal to the average percentage pay increase granted to regular full-time non civil service city employees during the previous calendar year.

(4) Cumulative annual pay increases over time may not cause the salary level to exceed the salary range for the position without City Council approval.

State law reference(s)--Duties of City Clerk, A.C.A. §14-43-506; Clerk-Treasurer in Mayor-Council cities, A.C.A. §14-43-405.

31.31 Full Time Elected City Officials To Elect Whether To Be Treated As Normal City Employees For Vacation And Sick Leave Purposes

(A) *Irrevocable Election During First Month Of Term Of Office*

(1) During the first month of a newly elected mayor's, city clerk's or city attorney's term of office, said official shall make an irrevocable election in writing to the Human Resources Division whether to be treated as a normal, non-elected city employee for purposes of vacation and sick leave accumulation and use. If the newly elected official fails to make a specific election within the first month of his or her term of office, the official shall be deemed to have opted not to be treated as a normal city employee for vacation and sick leave purposes.

(B) *City pay and benefits controlled by irrevocable election.*

(1) Subject to federal employment law requirements, if the elected official opts to be treated as a normal city employee, then the salary and benefits of the elected official

Current Code section,

shall be controlled by the official's irrevocable election such that if such elected official takes more vacation or sick leave than such official has earned, the amount of vacation or sick leave above the accrued amount shall be unpaid leave.

(Ord. 5212, 1-20-09)

31.32-31.44 Reserved

31.45 City Attorney; Legal Department

(A) *Legal Department created.* There is hereby created the Legal Department, a department of the city. The legal department shall consist of the elected City Attorney, who shall be head of the legal department, together with Assistant City Attorneys, City Prosecutor, Assistant City Prosecutors, Legal Interns, Paralegals, Legal Secretaries, Clerks and such other employees as may from time to time be required by the legal department. The number of employees in each of these categories and their respective salaries shall be fixed from time to time by the City Council through the city's budgetary processes.

(B) *Hiring.* The elected City Attorney shall hire and supervise the employees of the city legal department following city personnel policy.

(C) *Duties.* The duties of the City Attorney with the assistance of the staff of the legal department shall be as follows:

(1) To draft all ordinances, resolutions, contracts, leases, conveyances, bonds, and such other instruments of writing as may be required by the business of the city.

(2) To furnish written opinions upon subjects of a legal nature relating to the affairs of the city government when requested to do so by the mayor, an administrative department head, a member of the City Council, or the chairperson of any administrative board, commission, or authority of the city.

(3) To furnish legal advice regarding the activities of the city to the mayor, members of the City Council, and all other city officials and administrative department heads.

(4) To attend meetings of the City Council, Planning Commission, Board of Adjustments, A & P Commission, and upon request by the chairperson thereof, to attend any meeting of any other City Council Committee, administrative board, commission, or authority of the city.

(5) Represent the city as needed in civil litigation; file all cases and civil actions approved by the City Council required to protect the interests of the city.

(6) To prosecute all cases whether civil or criminal involving the violation or enforcement of city ordinances before the district court; to prosecute all cases whether civil or misdemeanor criminal cases involving violations of the state laws within the corporate limits of the city before the district, juvenile, or circuit courts and to prosecute or defend all appeals of any of such cases from the district court to the circuit court. The city attorney shall assign at least one full-time assistant city attorney as city prosecutor to carry out such duties.

(7) Perform such other duties as are prescribed by law for city attorneys of cities of the first class.

(D) *Full-time employment.* The City Attorney and his/her duly authorized assistants shall be full time officers and employees of the City of Fayetteville and shall not engage in outside employment, including the private practice of law, without complying with the city's personnel policy.

(E) *Authority to retain counsel other than City Attorney.* Should the City Council determine that it would be in the best interest of the city for an attorney other than the City Attorney to render legal services in connection with a legal matter or legal proceedings, the City Council may, by majority vote, retain a private attorney to render said services.

(F) *Restrictions.* The legal department of the city shall not be required to render legal services in connection with a legal matter or legal proceeding not otherwise provided for in subsection (A) above, including but not limited to, bond opinions, representation of any independent organizations, boards, councils or foundations and performing any duties for any improvement district.

(G) *Salary.*

(1) Salary for a newly elected or appointed City Attorney is established at $65,000.00.

to be Amended

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Boudreaux
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Sarah E. Lewis

City of Fayetteville Arkansas
City Council Meeting Minutes
December 04, 2012

A meeting of the Fayetteville City Council was held on December 04, 2012 at 6:00 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 Gray, Boudreaux, Kinion, Petty, Tennant, Ferrell, Adams, Lewis, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Mayor Jordan introduced the Spring International Students and Shay Hopper's Woodland Junior High School 9th grade Pre-AP government students who were observing the City Council meeting.

City Council Meeting Presentations, Reports and Discussion Items: None

Agenda Additions: None

Consent:

Approval of the November 8 and November 20, 2012 City Council meeting minutes.

Approved

Unofficial

University of Arkansas Razorback Road Sidewalk Cost Share: A resolution to approve a budget adjustment in the amount of $51,308.00 to recognize revenue from the University of Arkansas for its cost share for construction of a sidewalk along Razorback Road.

Resolution 223-12 as recorded in the office of the City Clerk.

Hazardous Materials Incident Response Services Interlocal Cooperation Agreement: A resolution providing notice pursuant to Article V of the Interlocal Cooperation Agreement for the Provision of Hazardous Materials Incident Response Services in Benton and Washington Counties of the intention of the City of Fayetteville to withdraw its participation in the agreement effective six (6) months from the date of written notification of the adoption of this resolution to the remaining participants.

Resolution 224-12 as recorded in the office of the City Clerk.

Arkansas Firewise Grant: A resolution authorizing acceptance of an Arkansas Firewise Grant in the amount of $500.00 from the Arkansas Forestry Commission for use by the Fire Department, and approving a budget adjustment.

Resolution 225-12 as recorded in the office of the City Clerk.

Bid #12-75 Insituform Technologies, LLC: A resolution to approve Bid #12-75 for a construction contract with Insituform Technologies, LLC for service lateral and sewer main cured in place lining in the amount of $330,000.00.

Resolution 226-12 as recorded in the office of the City Clerk.

Operations and Management Plan for Razorback Regional Greenway: A resolution to approve the Northwest Arkansas Razorback Greenway Operations and Management Plan for Razorback Greenway Trails within Fayetteville.

Resolution 227-12 as recorded in the office of the City Clerk.

Bid #12-74 Vance Brothers, Inc.: A resolution awarding Bid #12-74 and approving a contract with Vance Brothers, Inc. in the amount of $72,470.00 for asphalt micro-surfacing, and approving a ten percent (10%) project contingency.

Resolution 228-12 as recorded in the office of the City Clerk.

City Depository Board: A resolution designating members of the City Depository Board, as established by Arkansas Code §19-8-106.

Resolution 229-12 as recorded in the office of the City Clerk.

2013 Community Access Television Contract: A resolution approving a contract in the amount of $105,000.00 with Community Access Television, Inc. to provide public access

Unofficial

services and operate the Fayetteville Public Access Television Channel throughout the 2013 year.

Resolution 230-12 as recorded in the office of the City Clerk.

Regional Wayfinding Program: A resolution to express the Fayetteville City Council's intent to implement the Regional Wayfinding Program.

Resolution 231-12 as recorded in the office of the City Clerk.

Wayfinding Program Implementation: A resolution to approve the cooperative agreement between the City of Fayetteville and the Northwest Arkansas Regional Planning Commission regarding Wayfinding Program Implementation at a potential cost of approximately $125,000.00.

Resolution 232-12 as recorded in the office of the City Clerk.

Johnson Property Zoning Change: A resolution agreeing to the change in zoning from commercial to residential for property located in Johnson that adjoins parcels in Fayetteville.

Resolution 233-12 as recorded in the office of the City Clerk.

Alderman Ferrell moved to approve the Consent Agenda as read. Alderman Lewis seconded the motion. Upon roll call the motion passed unanimously.

Unfinished Business:

2013 Annual Budget and Work Program: A resolution adopting the 2013 Annual Budget and Work Program. *The motion to approve the budget failed. Then a motion to reconsider was approved. Then the resolution to approve the budget was tabled to the December 4, 2012 City Council meeting.*

Paul Becker, Finance Director gave a brief description of the budget. He stated the Mayor is bringing forward a balanced budget. The Mayor intents to bring forward a pay increase in the first quarter of 2013 for employees.

Alderman Lewis thanked the Mayor for holding the budget at the last meeting so they could bring it forward at the Ward 4 meeting.

Alderman Ferrell moved to approve the resolution. Alderman Adams seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 234-12 as recorded in the office of the City Clerk.

Unofficial

New Business:

ADM 12-4259 (UDC Amendment Subdivision Regulations in the Planning Area): An ordinance to Amend §166.05 Required Infrastructure Improvements – Development in the Planning Area and to repeal §166.08 (I) of the Unified Development Code of Fayetteville.

City Attorney Kit Williams read the ordinance.

Andrew Garner, Senior Planner Current Planning gave a brief description of the ordinance. He stated they are requesting this code change to mimic what Washington County has instead of being in conflict.

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Boudreaux seconded the motion. Upon roll call the motion passed unanimously.

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 unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5546 as Recorded in the office of the City Clerk

Clear Creek Trail: A resolution approving a request by the City of Fayetteville to modify the geographic extent and location of certain tree preservation areas pursuant to §167.04 (L)(2), Tree Preservation and Protection, Unified Development Code of the Code of Fayetteville, to construct a section of Clear Creek Trail.

Megan Dale, Urban Forrester gave a brief description of the resolution.

Alderman Adams: What is something that is three inches or less in caliper? It does not make since to me.

Megan Dale: They are still a tree but the way our code is written we do not classify them.

Alderman Adams: Could we change that at some point to call it something else? So it is not a tree?

City Attorney Kit Williams: They are saplings.

Unofficial

Megan Dale: In terms of tree preservation, when we are assessing trees that are in the ground on existing property, that is how we view it.

Alderman Lewis: The Streamside Protection Ordinance should apply here?

City Attorney Kit Williams: That is one part of the exemptions to it. We try to stay away from the creek as much as possible but many of our trails have to be within the management zone.

Alderman Lewis: I understand that. Part of that was that existing trail would be built using the Best Management Practices Manual.

Matt Mihalevich, Trails Coordinator: One of these sections is farther away from the creek so the Streamside Protection does not apply. The other section we stay out of it as much as possible but we have a bridge crossing. There are stipulations within the ordinance for crossings.

Alderman Lewis: I struggle with vacating tree preservation areas. Can someone speak to that?

Andrew Garner: I think it gets to the intent of the ordinance, when you are looking at vacating a tree preservation area. What are you doing to offset the impact? In this case we feel it is appropriate.

Don Marr, Chief of Staff: Some of the recent agenda items have not been an elimnation of tree preservation but an exchange of tree preservation.

Alderman Lewis: We had a presentation which stated we have lost some of our canopy. There are always trade offs and this trail is an amazing opportunity for our community.

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

Resolution 235-12 as recorded in the office of the City Clerk.

Grant Thornton Annual Audit Services: A resolution to approve a contract with Grant Thornton, LLP in the amount of $82,500.00 to audit the financial statements of the City.

Paul Becker: The City is required to have an audit by a certified public accountant using generally accepted accounting principles. We had the previous auditors since 2000. This year we solicited proposals and this company was selected.

Alderman Lewis moved to approve the resolution. Alderman Ferrell seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 236-12 as recorded in the office of the City Clerk.

Unofficial

City of West Fork Wastewater Service: A resolution expressing the intent of the City of Fayetteville to provide wholesale wastewater service to the City of West Fork.

David Jurgens, Utilities Director gave a brief description of the resolution. He stated ADEQ told West Fork they had two choices, to build a new wastewater treatment facility or hook up to the City of Fayetteville wastewater system. The City of Fayetteville received a letter from the City of West Fork that requested they be allowed to hook up to our system. There are several things that make that attractive. It will help clean up the environment and the river. Having a city as a wholesale customer is beneficial to us. They will provide good food to our bacteria. From a capacity standpoint we have excess capacity.

Alderman Petty: If the EPA lowers our phosphate limit, like they have been talking about doing, if that were to happen can you reassure us that we are going to be in a position to renegotiate a contract with West Fork?

David Jurgens: West Fork has agreed to pay the rates that are established by the City of Fayetteville rate study. The rate study would have to be performed by a nationally recognized firm.

City Attorney Kit Williams: We do not have a contract now this is just to express your intent so that we can work toward a contract.

Alderman Ferrell: It looks like the revenue side of this is not a down side to us.

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

Resolution 237-12 as recorded in the office of the City Clerk.

Entertainment District Parking Deck Site Selection: A resolution to select the site of the Entertainment District Parking Deck.

David Jurgens gave a brief description of the resolution. This is for site selection only.

Ron Petrie, parking deck consultant gave a brief description of the proposed parking deck sites.

There was a PowerPoint presentation of the proposed sites, entrances and exits of each site, and the number of proposed parking places at each site.

Ron Petrie: The theater lot scored the highest and has 218 parking spaces. It also leaves the current Walton Arts Center parking lot as is which will give additional parking spaces. The parking deck team recommends that you proceed with the theater site.

A discussion followed on the proposed sites.

Unofficial

City Attorney Kit Williams: The administration asked me to prepare a resolution. It states the Mayor's recommendation which is the theater lot. This takes into consideration what the Walton Arts Center Administration has requested. He listed the items that were requested by the Walton Arts Center.

Alderman Boudreaux: I support the theater lot for the reasons that we have seen from the presentation. I have a lot of concerns about the loss revenue and parking spaces if we use the Walton Arts Center parking lot. The Walton Arts Center lot can be utilized for a lot of things. The east lot I think there is too much destruction to the residential and we would have to condemn a business. Alderman Boudreau moved to amend the resolution to the new resolution that was handed out at the City Council meeting to utilize the theater lot.

Paul Becker discussed the construction cost of the proposed sites. He stated the estimates are about $6.3 million. Between the bonds and what is in the parking fund we will have sufficient funds. We did not anticipate paying the moving and rent out of the project fund. We are trying to segregate what we are going to generate from the bonds and what we will pay from city funds. Before you are the conditions and whether or not you choose to replace the 28 spaces or the additional requested spaces.

Alderman Ferrell: What is the estimate on the excavation fee?

Paul Becker: Between the shell and excavation it is roughly $60,000.

Alderman Ferrell: Do you have an estimate of the amount that will come out of the parking fund?

Paul Becker: Probably about $500,000.

Alderman Ferrell: Did these requests come recently?

David Jurgens: These are items that we have been discussing from the beginning. Those were included when we did our public meetings. The only two items that were added was the backup house space and the additional seven parking spaces.

Alderman Gray: My concern is the connection between the parking deck and the Walton Arts Center.

Ron Petrie stated we recognize that and would like to achieve that as well but can not guarantee that at the moment.

David Jurgens: As we proceed with the final design and the Walton Arts Center proceeds with the final design for their expansion that would be one of the factors that would be looked at.

Alderman Gray: I think it is significant enough if the cost seems to be prohibitive we might be able to add some more layers on the top. We can build it in and pay for it later. I think connectivity to the Walton Arts Center is a very significant aspect to the deck.

Unofficial

City Attorney Kit Williams: I don't think you can do that because this is the parking deck resolution. We can not cover the connectivity with this.

Alderman Gray: I certainly would hope that we would look at it very seriously.

Alderman Lewis: I agree with that. Do the 93 spaces, that the theater lot does not provide, affect our ability to pay back the bond? Does it affect our rate?

Paul Becker: That should not impact us as much as the others because it is less. That is an indirect cost because they are not revenue generating at this point in time.

Alderman Adams: What is one space worth 24 hours a day 365 days a year?

Don Marr: Our current maximum rate is $5.00 a day. That would be roughly $14,000 per year. That is not the construction or replacement cost that is the revenue generation.

Alderman Kinion: We are still not using any city funds outside the parking fund so it is all going to be generated without taxpayer's money and without increasing parking fees to cover the additional activity. This all seems reasonable and logical. This is a good plan as long as we have the confidence that the income stream is going to cover this activity associated with this resolution. Do you feel comfortable that it is?

Paul Becker: I would not be coming forward with it if I was not.

Alderman Kinion: It is a change and it seems a little bit generous compared to the original plans that we were presented. I do not mind that if we can guarantee efficiency, an income stream, and that it is not going to increase the parking fee and the cost to the city.

A discussion followed on the proposed resolution.

Alderman Boudreaux: This is the ideal site but not if it is going to totally destroy the Walton Arts Center. It is important that we all work together on this project. I think the administration and the Mayor is trying to do that with these guarantees. I really appreciate that.

Steve Clark, President Chamber of Commerce thanked the City Council and the Mayor for providing a plan for additional parking for our entertainment district. The demand is clear and has to be met and you are taking action to meet that demand. We urge you to adopt the proposal as it is recommended to use the theater lot because it does not displace any existing parking.

As a member of the Walton Arts Center board I do not speak for the board but for myself. I come here to say thank you. Some of the discussion tonight had the two pronouns they and we and I submit to you there is only a we. You own the building so the investment is a we investment.

Unofficial

Terri Trotter, Walton Arts Center: We can make this work and we can get this parking deck built and get the expansion for the Walton Arts Center done on that lot as long as we work together. It can be a real exciting opportunity for downtown.

Alderman Petty: For generations Dickson Street has been the only place in Northwest Arkansas that people go for entertainment. The deck is an important milestone in Fayetteville growth, downtown growth, and Northwest Arkansas growth. I think it is appropriate that city government is participating in this manner. We have many continued investments in downtown to make if we are going to go from the plateau to the next level. I have no qualms in selecting this site. It is the best site for downtown and Fayetteville.

Alderman Lewis: This is a very important decision for our community. I agree that the theater lot is the best option when you make your list of pros and cons.

Alderman Ferrell: I am all for the theater site. This city has been very supportive of the Walton Arts Center. I am sad that at the last minute we received this request for the money. I am for the space.

Alderman Tennant: I agree with us doing everything we can to help the Walton Arts Center. Some of these items in the resolution bother me. I support the theater lot. Some of these concessions that the city is willing to do are asking a tremendous amount more from the city.

Alderman Lewis: It is my understanding that we are deciding on the location. We are not deciding on the design.

David Jurgens: The recommended footprint is the one on the southeast corner of the lot. My assumption is if you determine that the theater lot is the location that you want this built then we would be building based on the footprint that you see in front of you.

Don Marr: Many of the things that are in this outline are things that have been somewhat understood as something we would be doing the entire time. We felt it would be unfair to say we are going to take your office, plan when we do it, and we are not going to give you an allowance to get out when we are the ones initiating that.

He discussed the additional parking spaces, the additional size of the proposed new offices, and temporary housing for the Walton Arts Center staff.

Mayor Jordan: If you want to change the resolution items that would be up to you all. The thing we certainly hope for is a location tonight.

Alderman Adams: I asked for a list of what this would mean if we choose your location. The spirit of this was to avoid the surprises later. I think the surprise was are we going to vote on these things tonight. We do not have the estimates for these costs?

City attorney Kit Williams: This resolution expresses your intent to do to this.

Unofficial

Alderman Boudreaux: I do not see any concessions here. I feel it is important that we move on with this site.

Alderman Petty: I think the $14,000 per space is the wrong way to look at is because we sell annual parking passes for $600 so that is really the true cost to the city per space. Staff has been very clear that this resolution is coming from an attempt to be fair not to grant concessions. The intent is to replace what is being taken away.

Alderman Ferrell: I would like to amend the amendment to the resolution and just vote tonight on the location.

Alderman Petty: I am uncomfortable selecting the theater site without providing some assurances in writing that we are going to work to address these issues that are a function of merely selecting this site where the Walton Arts Center is already located.

Alderman Boudreau moved to amend the resolution to the new resolution that was handed out at the City Council meeting to utilize the Theater Lot. Alderman Gray seconded the motion. Upon roll call the motion passed 7-1. Alderman Ferrell voting no.

Amended Resolution:

Entertainment District Parking Deck Site Selection: A resolution to select the site of the Entertainment District Parking Deck and to express the City Council's intent to replace administrative office and parking spaces lost through this project. They also presented the proposed cost of each lot.

Alderman Ferrell moved to remove Section 2 of the amended resolution. Alderman Tennant seconded the motion. Upon roll call the motion failed 2-6. Alderman Ferrell and Tennant voting yes. Alderman Lewis, Gray, Boudreaux, Kinion, Petty, and Adams voting no. Motion failed.

Alderman Ferrell: In the past we have always supported the Walton Arts Center and I am sure it is our intention to do so this time. I do not like open ended things.

Alderman Kinion: Being a representative of Ward 2, I was taken back when I saw this, but after having a complete discussion this evening I felt confident this is the correct resolution. What we are saying is we are working together to make this efficient, to make it operational, and to select this area of Ward 2 that is the entertainment district with some assurances that it is going to allow operations, allow a clear understanding and vision as we move forward in planning without having further discussion with clouded supposition. I will support because I think it is fair.

Mayor Jordan: I apologize to the Council for any misunderstanding. After we brought this forward last Tuesday I received a call from the Walton Arts Center saying there is nothing in writing about what happens if nothing occurs. We worked with the Walton Arts Center to get something together.

Unofficial

Don Marr: We thought it would be a bigger surprise if we brought these items forward later.

David Jurgens: If we select the theater site it would be very beneficial to the design team to have the guidance regarding a couple of these items.

Alderman Ferrell: Regardless of how this goes I want to thank David and everybody because this has been a huge task. You have done a good job.

Alderman Lewis: I agree that it would have been good to know but any costs associated with these will have to come back to the Council for further discussion.

Alderman Adams: I think the spirit of this is right.

Mayor Jordan: If you pass the location tonight I am going to issue those bonds quickly.

Alderman Tennant: If we are going to vote on this, as long as we are absolutely sure that each of these can be revisited, then I am okay with this.

Mayor Jordan thanked everyone for their work on this.

Alderman Petty moved to approve the amended resolution. Alderman Boudreaux seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 238-12 as recorded in the office of the City Clerk.

RZN 12-4252 (Center Street Rezoning for Eco New): An ordinance rezoning that property described in rezoning petition RZN 12-4252, for approximately 2.75 acres, located along West Center Street, near Duncan Avenue and the northwest corner of Hill Avenue and Treadwell Street, from RMF-40, Residential Multi-Family, 40 units per acre to DG, Downtown General.

City Attorney Kit Williams read the ordinance.

Alderman Tennant moved to suspend the rules and go to the second reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-1. Alderman Kinion voting no.

City Attorney Kit Williams read the ordinance.

Andrew Garner gave a brief description of the ordinance.

Alderman Lewis: Has any comments been received?

Andrew Garner: We have not received any opposition to the proposal. At the Planning Commission meeting there were several members that spoke in favor of the request.

Unofficial

Seth Mims, developer gave a brief description of the rezoning.

Alex Miller voiced his support of the project.

Charles Brickey voiced his support of the project.

City Attorney Kit Williams: At the Planning Commission meeting there were several other neighbors that spoke in favor of this rezoning,

Alderman Tennant: I think this is a perfect fit for that part of town.

Alderman Lewis: I am very pleased with this rezoning.

Alderman Petty asked for an explanation of the notification process.

Andrew Garner explained the process. We have not received anything in writing from members of the public.

Alderman Kinion: I think this is appropriate but I do not want to rush into this.

Alderman Gray: If we have neighbors and they have been notified and Planning supports this then I do not see a reason not to move to the third and final reading tonight. I support this.

Alderman Ferrell: People that live in that area would be 90% more active in attending the Planning Commission meeting if they had any qualms about this.

Alderman Adams: He has people ready to go to work and jobs that may matter here. I think that is a good reason to go ahead tonight.

Alderman Adams moved to suspend the rules and go to the third and final reading. Alderman Tennant seconded the motion. Upon roll call the motion passed 7-1. Alderman Kinion voting no.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5547 as Recorded in the office of the City Clerk

Repeal §31.46 Freezing Elected City Officials' Compensation: An ordinance to repeal §31.46 Freezing Elected City Officials' Compensation if in Excess of $80,000.00**.**

City Attorney Kit Williams read the ordinance.

Unofficial

Paul Becker: This affects three positions, the City Attorney, Mayor, and Judge. They have not received a raise since 2008. Employees received a raise this year and I see no reason why elected officials earning over $80,000 should not have the same consideration.

Alderman Ferrell: I think this is good. Right now we are in pretty good shape.

Alderman Lewis: These are professional positions that demand a lot. It is important for our community to compensate these people in their professional positions. They are elected but we want professional people in those roles. Looking forward we need to compensate them comparatively.

Alderman Tennant: We need to be consistent in everything that we do. I think this administration has been consistent.

Alderman Tennant moved to suspend the rules and go to the second reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Lewis moved to suspend the rules and go to the third and final reading. Alderman Adams seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5548 as Recorded in the office of the City Clerk

<u>City Council Agenda Session Presentations:</u>

Parking Deck Presentation – The Parking Deck Team (including both staff and consultants)

City Council Tour: None

Announcements:

Adjournment: 8:50 p.m.

_____ _____

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

Unofficial

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Boudreaux
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Sarah E. Lewis

City of Fayetteville Arkansas
City Council Meeting Minutes
December 18, 2012

A meeting of the Fayetteville City Council was held on December 18, 2012 at 6:00 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 Gray, Boudreaux, Kinion, Petty, Tennant, Ferrell, Adams, Lewis, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Mayor Jordan recognized Shay Hopper's Woodland Junior High School 9th grade Pre-AP government students who were observing the City Council meeting.

Mayor Jordan recognized Boys Scout Troop 555 from Farmington.

Mayor Jordan: Tonight we say goodbye to three Council members. They collectively represent 24 years of experience on this Council. Sarah Lewis has been on the Council four years, Bobby Ferrell eight years and Brenda Boudreaux twelve years. Their service has been excellent for this Council. We passed a lot of ground breaking legislation the last twelve years.

These three Council members along with this Council faced down probably the worse natural disaster this city has ever seen. This Council probably saw the worse recession since the depression. This Council passed the first balanced budget that I can remember since I have been an elected official.

This Council passed the streamside protection ordinance, the first one in the State of Arkansas. These Aldermen were very important in those decisions. They have been a great service to this city. I will and I can speak for the rest of the Council, the staff and the citizens, we will certainly miss you. We wish you well.

UNOFFICIAL

Alderman Boudreaux: It has been an absolute pleasure and honor to serve the citizens of Fayetteville for the past twelve years. It has been a pleasure to serve with Lioneld for twelve years, Don during the time we served together, and everyone else on this Council. The citizens of Fayetteville are wonderful and this town is wonderful. It has been an honor to be able to do this and I will miss it.

Alderman Ferrell: It has been my high honor and privilege to serve the citizens of this community. It has been a learning experience. This body has many wonderful people that have offered their time to serve the citizens of Fayetteville. I am happy I was able to do this.

Alderman Lewis: I want to thank the citizens of Ward 4 and the citizens of Fayetteville for the opportunity to serve this community. I too have learned and what an honor it has been to serve and work with the staff and Mayor. I have learned so much from you Mayor. Thank you for helping this Council to be a professional Council, working together and making progress. It has been such an opportunity to serve with such wonderful people who are visionary people. This community supports people in that role and I am thankful to get to be a part of that. I recommend it and think that you should try this because it is really a great experience and I will miss it.

Mayor Jordan presented plaques to Alderman Lewis, Ferrell and Boudreaux.

FHS State Championships in Football and Volleyball

Mayor Jordan introduced the Fayetteville High School Bulldog Volleyball Team 7A West Conference State Champions and presented them with a proclamation.

Mayor Jordan introduced the Fayetteville High School Bulldog Football Team 7A State champions for back-to-back State Championships and presented them with a proclamation.

City Council Meeting Presentations, Reports and Discussion Items:

Illinois River Watershed Partnership Presentation – Dr. Delia Haak, Executive Director
Dr. Haak thanked the City of Fayetteville for contracting with their organization to provide education services for residents as part of the clean water act. Not only is that something you are doing it is something you very much believe in and you are taking leadership throughout the watershed. It is so important to us as an organization that the City of Fayetteville is our partner right here in the head waters near the Illinois River where it starts in Hogeye. We want to thank you for the rain gardens that you allowed us to install this year. We planted trees along creeks and streams. We are looking forward to our sixth year in March. We did 25 schools with the Clean Water Rangers Program over 7,000 students with water shed education and that would not be possible without the contract for services with you.

UNOFFICIAL

Dr. Haak presented the Mayor with a picture of how a watershed works from their Clean Water Rangers Program.

Historic District Commission Appointment:

Appointed by the Mayor and approved by the City Council.

Alderman Boudreaux moved to approve the Historic District Commission Appointments. Alderman Ferrell seconded the motion. Upon roll call the motion passed unanimously.

Appointed:
Christine Myres - Unexpired term ending 06/30/15
Will Watson - Unexpired term ending 06/30/15

Nominating Committee Report

Alderman Gray moved to approve the Nominating Committee Report. Alderman Kinion seconded the motion. Upon roll call the motion passed unanimously.

A copy of the report is attached.

Public Facilities Board Appointments and Term End Date Approval

Alderman Ferrell moved to approve the Public Facilities Board Appointments. Alderman Tennant seconded the motion. Upon roll call the motion passed unanimously.

Appointed:

Stephen E. Adams	Five Year Term expiring December 31, 2017
Phillip H. Taylor	Four year term expiring December 31, 2016
Stephen Cosby	Three year term expiring December 31, 2015
Tommy Deweese	Two year term expiring December 31, 2014
Steve Clark	One year term expiring December 31, 2013

Approval of Aldermen City Council Committees

Alderman Gray moved to approve the City Council Committees. Alderman Lewis seconded the motion. Upon roll call the motion passed unanimously.

A copy of the report is attached.

Agenda Additions: None

Consent:

UNOFFICIAL

Bid #12-76 Peterbilt of Fort Smith: A resolution awarding Bid #12-76 and authorizing a contract with Peterbilt of Fort Smith in the amount of $499,366.00 for the purchase of two (2) front load refuse trucks for use by the Solid Waste Division, and approving a budget adjustment.

Resolution 239-12 as recorded in the office of the City Clerk.

Bid #12-77 Terex Equipment Services: A resolution awarding Bid #12-77 and authorizing a contract with Terex Equipment Services in the amount of $83,284.00 for the purchase of two (2) heavy duty 4X4 pickup trucks for use by the Fire Department.

Resolution 240-12 as recorded in the office of the City Clerk.

Nature Trail Naming at Lake Fayetteville Environmental Study Center: A resolution approving the names of Lakeside Trail, Hilltop Trail, Old Field Trail and Wagon Wheel cutoff for trails within the Lake Fayetteville Environmental Study Center area.

Resolution 241-12 as recorded in the office of the City Clerk.

Federal and State Law Enforcement Forfeiture Revenue: A resolution approving a budget adjustment in the amount of $133,320.00 representing federal and state law enforcement forfeiture revenue received during the third and fourth quarters of 2012 and establishing a corresponding expense budget.

Resolution 242-12 as recorded in the office of the City Clerk.

Fayetteville Police Department Donation Revenue: A resolution approving a budget adjustment in the amount of $1,600.00 representing donation revenue to the Fayetteville Police Department during the third and fourth quarters of 2012 in support of general recognition and officer service awards.

Resolution 243-12 as recorded in the office of the City Clerk.

Community Services Division Donation Revenue: A resolution approving a budget adjustment in the total amount of $1,968.00 representing citizen donation revenue for the Ranger's Pantry Pet Food Bank and donation revenue from the Fraternal Order of Police for the Senior Giving Tree event.

Resolution 244-12 as recorded in the office of the City Clerk.

Community Development Block Grant Housing Program: A resolution approving a budget adjustment in the amount of $2,218.00 representing a Community Development Block Grant Housing Program lien payoff.

Resolution 245-12 as recorded in the office of the City Clerk.

UNOFFICIAL

Rule D. 4 Reconsideration: A resolution to amend D. Procedures and Parliamentary Rules Subsection 4. Reconsideration of the City Council Rules of Order and Procedure to clarify that only a Council member who voted on the prevailing side can move to reconsider a motion.

Resolution 246-12 as recorded in the office of the City Clerk.

Post-Issuance Tax Compliance Procedures: A resolution to authorize and adopt Post-Issuance Tax Compliance Procedures to be followed in connection with each issue of tax-exempt bonds by the City.

Resolution 247-12 as recorded in the office of the City Clerk.

Beaver Water District Agreement: A resolution approving an agreement with Beaver Water District related to protection of and nutrient reduction in the Beaver Lake Watershed.

Resolution 248-12 as recorded in the office of the City Clerk.

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

Unfinished Business: None

Public Hearing:

Raze and Removal 320 W. North Street: A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Robert W. Wilkes located at 320 W. North Street in the City of Fayetteville, Arkansas, and approving a budget adjustment.

Mayor Jordan opened the Public Hearing

Chad Ball, Code Compliance Administrator for the City gave a brief description of the Code Compliance Program. He gave a brief description regarding the violations of the property.

There was no public comment.

Mayor Jordan closed the Public Hearing

Alderman Ferrell moved to approve the resolution. Alderman Boudreaux seconded the motion. Upon roll call the motion passed unanimously.

Resolution 249-12 as recorded in the office of the City Clerk.

New Business:

UNOFFICIAL

RZN 12-4250 Rezone (Parks and Recreation): An ordinance rezoning the properties described in rezoning petition RZN 12-4250, for fourteen City of Fayetteville Parks and Trail Corridors on approximately 110.91 acres, located throughout the City from multiple zoning districts to P-1, Institutional.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the rezoning.

Alderman Boudreaux moved to suspend the rules and go to the second reading. Alderman Lewis seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Lewis moved to suspend the rules and go to the third and final reading. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5549 as Recorded in the office of the City Clerk

RZN 12-4253 (1932 and 2052 S. Garland Ave./Lifesource): An ordinance rezoning that property described in rezoning petition RZN 12-4253, for approximately 3.64 acres, located at 1932 and 2052 South Garland Avenue from RSF-4, Residential Single-Family, 4 units per acre and I-1, Heavy Commercial and Light Industrial, to P-1, Institutional.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the rezoning.

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Adams seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Boudreaux moved to suspend the rules and go to the third and final reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

UNOFFICIAL

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5550 as Recorded in the office of the City Clerk

Smith Two-Way Radio, Inc.: An ordinance waiving the requirements of formal competitive bidding and approving a contract with Smith Two-Way Radio, Inc. in the total amount of $29,475.65 to configure and program existing radio equipment for implementation of a conventional back-up radio system.

City Attorney Kit Williams read the ordinance.

Police Chief Greg Tabor gave a brief description of the contract.

Alderman Tennant moved to suspend the rules and go to the second reading. Alderman Adams seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Lewis moved to suspend the rules and go to the third and final reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5551 as Recorded in the office of the City Clerk

Motorola Solutions, Inc.: An ordinance waiving the requirements of formal competitive bidding and approving a two-year contract with Motorola Solutions, Inc. in the total amount of $73,974.00 plus applicable taxes for radio maintenance to the City's Motorola simulcast radio system.

City Attorney Kit Williams read the ordinance.

Police Chief Greg Tabor gave a brief description of the contract.

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

City Attorney Kit Williams read the ordinance.

UNOFFICIAL

Alderman Lewis moved to suspend the rules and go to the third and final reading. Alderman Boudreaux seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5552 as Recorded in the office of the City Clerk

C & L Landfill Site: A resolution to place deed restrictions in the title to city property that was the C & L Landfill site to comply with the Arkansas Department of Environmental Quality landfill closure regulations.

Connie Edmonston, Director of Parks and Recreation gave a brief description of the deed restrictions.

City Attorney Kit Williams: When we acquired this landfill, which has City of Fayetteville municipal waste in it, the landfill was studied. ADEQ looked at it and saw that it did not have any bad stuff in it but that the cap that had been put on was not a very good cap and that another cap needed to be put on. ADEQ indicated that if we did everything properly to obtain them access they would provide the engineered cap onto this landfill which should provide decades of protection for our citizens. This landfill was closed a long time ago. The landfill trust fund will be used to pay for this engineered cap. As part of that ADEQ said that we must put a deed restriction on the land that we own to not build houses on it. They also asked us to acquire a 100 foot buffer area around it which we where able to do.

Alderman Boudreaux: This was a controversial issue at the time and not agreed upon by all the Council members as far as the City getting involved in purchasing this. If one good thing could come out of it I think it is a great thing that we were able to provide this at no cost to the citizens and it is being taken care of. I think this will turn out to be a good project. I am glad we are able to remediate this landfill.

Alderman Ferrell: I think it is the right thing to do to try to protect what we have there. Is ADEQ going to continue to monitor the hydrology run off water coming out of there?

City Attorney Kit Williams: There was a creek that went through there and that was one of the things they were concerned about. Hopefully when they engineer the cap they will figure out what to do with the creek.

Don Marr, Chief of Staff: The city will have some monitoring requirements after the post closure fund completes the project as a part of the agreement.

Connie Edmonston: I believe this is a wonderful opportunity for the city to receive these post trust closure trust fund at no cost to the city. We are ready for it to be fixed.

UNOFFICIAL

Don Marr: The City of Fayetteville will be the first city to receive post closure funds. Because this project is over $2 million part of the movement to get the deed restrictions in place is so they can begin the project and fund part of it from one fiscal year and the remaining balance from their second fiscal year. That is the reason we are going forward with this now so they can begin work immediately.

City Attorney Kit Williams thanked ADEQ for working with the city.

Alderman Boudreaux moved to approve the resolution. Alderman Lewis seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 250-12 as recorded in the office of the City Clerk.

Fayetteville Youth Center, Inc.: An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and Fayetteville Youth Center, Inc. in the amount of $205,350.00 to provide public recreation services for the youth and citizens of Fayetteville for 2013 contingent on the approval of funds in the 2013 Annual City Budget and Work Program.

City Attorney Kit Williams: The last portion can be removed because the budget has been approved.

City Attorney Kit Williams read the ordinance.

Connie Edmonston gave a brief description of the contract. She stated our city has had a wonderful partnership with the Fayetteville Youth Center which is now known as the Boys and Girls Club to offer recreational opportunities for our citizens.

Eric Schultz, Executive Director of Fayetteville Boys and Girls Club thanked the Council for all they have done for the Boys and Girls Club over the years and continue to do. I feel it is a great partnership between the city and the Boys and Girls Club.

Alderman Lewis moved to suspend the rules and go to the second reading. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Boudreaux moved to suspend the rules and go to the third and final reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

UNOFFICIAL

Ordinance 5553 as Recorded in the office of the City Clerk

Northwest Arkansas Economic Development District: An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Northwest Arkansas Economic Development District in the amount of $53,350.00 to provide public recreation services for the senior citizens of Fayetteville for 2013, contingent on the approval of funds in the 2013 Annual City Budget and Work program.

City Attorney Kit Williams read the ordinance.

Connie Edmonston gave a brief description of the contract.

Lea Ann Van Winkle-Gisler thanked the Council for their cooperation and good deeds. The center does not receive complete funding from federal and state so we are acutely dependent on support from the city and from independent donations and other organizations. We are charged with raising 51% of our operating budget each year. This is something we appreciate and we desperately need. We are so grateful. Thank you for your support.

Alderman Boudreaux moved to suspend the rules and go to the second reading. Alderman Kinion seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Boudreaux moved to suspend the rules and go to the third and final reading. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5554 as Recorded in the office of the City Clerk

Amend Section 31.16 Aldermen Compensation: An ordinance amending Section **31.16 Aldermen Compensation** of the Code of Fayetteville to alter the monthly compensation received by members of the City Council.

City Attorney Kit Williams read the ordinance.

Alderman Lewis: Alderman Ferrell, Boudreaux and I brought this forward. Since 1999 the City Council representatives have not seen a compensation increase. Fayetteville is behind peer communities in Benton and Washington Counties as well as other Arkansas communities

UNOFFICIAL

especially as we relate to population. As a metric looking at the Mayoral pay since 1999, the 3.11% is a way to compare what it would be had it increased.

This is important to consider. Fayetteville has a very active citizenry with high expectations of our Council members and that is important. We need to recognize that and compensate and support that. It is important for everyone in the community to consider running for City Council and the lack of stipend should not be a barrier. There is the need often to take vacation and to take time away from work in order to fully achieve the objectives of being on the City Council. If one is not able to support oneself as a result of that loss of time in work then that creates a hindrance to being able to serve the community. An increase in the compensation possibly takes that out as a factor of whether or not one might choose to run. This is an important role and it needs to be recognized as such. It is a 24 hour position.

Alderman Boudreaux: I agree with what Sarah said. It takes a lot of time and anguish. I appreciate the way the ordinance was worded. I think this is a good measure.

Alderman Gray: I appreciate the action of these three Aldermen in bringing forth good well thought of ideas like this is one of the reasons we are going to miss them.

Mayor Jordan: I also signed this.

Alderman Adams: My initial reaction to this was not quite so positive. I am glad we have raised city employee's wages and I think we should get them up more. I did not get into this for the money at all. I am fortunate to have a job with fair wages and benefits. I do take vacation time. It is very hard to work full time and do this job. I hope if we pass this we will all consider ways we can give back to the city not only through our work but through part of the way the city offers us money to give back.

Alderman Boudreaux moved to suspend the rules and go to the second reading. Alderman Tennant seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Lewis moved to suspend the rules and go to the third and final reading. Alderman Adams seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5555 as Recorded in the office of the City Clerk

UNOFFICIAL

Granicus, Inc Contract – Paperless Agenda: An ordinance waving the requirements of formal competitive bidding and approving a contract with Granicus, Inc. in the total amount of $32,325.00 for fully integrated web streaming and paperless agenda routing services.

City Attorney Kit Williams read the ordinance.

Fritz Gisler gave a brief description of the contract. Granicus is the only company that can provide the breath of services that we are requiring and provide interface to their own services and systems.

Don Marr thanked Fritz Gisler and Sondra Smith which have been working for some time to look at ways to reduce our paper, routing time and reduction of lost items.

Alderman Kinion: I called Mr. Gisler and talked to him about this because it is a little bit out of the ordinary not to take bids. It seemed like the potential we would have, as far as add on services in the future with this specific organization, is something we will want to consider also. The transparency and efficiency for access for the public is going to be a lot easier.

Alderman Lewis moved to suspend the rules and go to the second reading. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Boudreaux moved to suspend the rules and go to the third and final reading. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5556 as Recorded in the office of the City Clerk

Parking Deck Project Fund: A resolution approving a budget adjustment to the 2013 Annual Budget in the amount of $6,600,000.00 to provide for the construction of a parking deck facility in the Dickson Street Entertainment District and creating a Parking Deck Project Fund.

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

Alderman Lewis: It is a pleasure to get to vote on this and to be a part of the process. This is an important addition to our community.

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

UNOFFICIAL

Resolution 251-12 as recorded in the office of the City Clerk.

Garver, LLC - Dickson Street Entertainment District Parking Deck: A resolution approving a contract amendment with Garver, LLC in an amount not to exceed $675,000.00 for the design of the Dickson Street Entertainment District Parking Deck, and approving a project contingency of $20,000.00, all contingent upon the approval of the funding in the 2013 Annual Budget.

David Jurgens, Utilities Director gave a brief description of the resolution.

Alderman Boudreaux: I am proud of this parking deck and where it is located. I think it is very exciting and I am glad it is going forward. I am glad we were able to work with the Walton Arts Center and get their blessing on that location. I think they are going to do some exciting things in the near future. It assures us of their commitment to do more things and expand the center here which I think is very important.

Mayor Jordan: We are going to have public input sessions.

Alderman Ferrell: I have always been for this and liked the location. I did not like the add on's.

Mayor Jordan: We will be keeping you up to speed on where we are at least monthly.

Alderman Lewis asked if the design team has attended the new and innovative designs in storm water management and what the plan is for that with this team.

David Jurgens: Yes we do have architects and engineers that are involved in innovative storm water design**.**

Ron Petrie: We are very aware of your concerns. The storm water will be lead by Garver. I certainly had a lot of experience doing this type of design.

Alderman Boudreaux moved to approve the resolution. Alderman Lewis seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 252-12 as recorded in the office of the City Clerk.

Amend §31.17 Mayor's Compensation of the Fayetteville Code: An ordinance to amend §31.17 **Mayor's Compensation** of the Fayetteville Code to allow a Mayor to waive in writing the salary adjustment required by (B).

City Attorney Kit Williams read the ordinance.

Alderman Ferrell: We have someone that worked and worked to get the employees a raise and signed on tonight to get the Alderman a raise and I have a good notion to vote against this.

UNOFFICIAL

Mayor Jordan: I have not been able to give the staff the pay plan that they should have. Until I can do that I am not going to take a salary increase.

Don Marr: We believe everyone earns the money that they are being paid and puts in their time and that is how we get top professionals and the Mayor is certainly no different. When someone does not want to take an increase and the ordinance does not give them that opportunity we do not want them breaking our ordinance. The only way he is able to do that is to allow this change. This does not restrict future mayors from being able to get their increases.

Alderman Boudreaux: I might point out it is at this time. If we start seeing the ability to increase the wages then it will be different.

Alderman Petty moved to suspend the rules and go to the second reading. Alderman Lewis seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Ferrell moved to suspend the rules and go to the third and final reading. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5557 as Recorded in the office of the City Clerk

City Attorney Kit Williams stated he enjoyed serving with the departing Alderman. He stated he thought they did a very fine job. You had different opinions on things but you got along. You helped make this Council function very well. Thank you for your service.

City Clerk Sondra Smith: I agree. I think the Council gets along very well and it is very pleasant to come to a City Council meeting and work with each and every one of you. You will be missed.

Don Marr: I would like you to take the lead of your senior departing Council member Boudreaux who is now a board of trustee member for the library. We would love to have your service on a city committee and your expertise available to the citizens.

Mayor Jordan: I think this Council as a whole has been one of the finest Council's that I have ever had the honor and privilege of serving with.

<u>City Council Agenda Session Presentations:</u> None

UNOFFICIAL

City Council Tour: **None**

Announcements:

Adjournment: 8:00 p.m.

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

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UNOFFICIAL

added at the City Council meeting
01-03-2013

AGENDA REQUEST

Amended
Need new resolution

FOR: COUNCIL MEETING OF JANUARY 3, 2013

FROM:

ALDERMAN MATTHEW PETTY and ALDERMAN JUSTIN TENNANT

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution To Express The City Council's Intention To Survey Citizens' Priorities For Capital Projects Of A Cultural Nature

APPROVED FOR AGENDA:

Matthew Petty
Alderman
1/3/2013
Date

Justin Tennant
Alderman
1/3/13
Date

Mayor
1/3/13
Date

City Attorney
(as to form)
Jan 3, 2013
Date

01-03-13 A10:24 RCVD

RESOLUTION NO. _____

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S INTENTION TO SURVEY CITIZENS' PRIORITIES FOR CAPITAL PROJECTS OF A CULTURAL NATURE

WHEREAS, the Walton Arts Center has proposed that the HMR tax bonds be reauthorized and the revenue dedicated to expansion of their Fayetteville facility; and

WHEREAS, there may be other capital projects with similar funding needs that also have substantial cultural impacts; and

WHEREAS, the reauthorization of the HMR tax bonds requires the approval of Fayetteville voters by election.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby expresses its intention to survey Fayetteville citizens in order to craft a bond reauthorization proposal with a high likelihood of being passed by the voters in an election; and

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby requests the A&P Commission await the results of the survey before recommending a bond reauthorization proposal to the City Council and subsequently, the citizens; and

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby requests that the A&P Commission agree to pay for 50% of the total cost of the survey, which is not to exceed $20,000.

PASSED and **APPROVED** this 3rd day of January, 2013.

APPROVED: ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

Fayetteville A&P Commission
PO Box 4157
Fayetteville, Arkansas 72702

January 2, 2013

To Whom It May Concern:

As you are probably aware, the Walton Arts Center has approached the Fayetteville Advertising and Promotion Commission for funding for the expansion of the Center. Their proposal requests $2 million from reserve funds and $6.5 million from an extension of the bond funds currently being used for the Town Center.

Some Commissioners have also expressed an interest in the development of South Pass so that we may increase our number of sports tournaments brought to town.

The process mandated by state law requires any bond reauthorization proposal using HMR taxes to first be passed by the A&P Commission, followed by the City Council, and finally by the voters in an election.

I will be happy to bring before the A & P Commissioners at our January meeting the proposal to conduct a survey of Fayetteville citizens' priorities for capital projects. Because the 2013 budget has already been approved, I am not able to commit funds for the survey from the Fayetteville Advertising and Promotion fund without authorization of the Commission.

Sincerely,

Marilyn Heifner

Marilyn Heifner
Executive Director
Fayetteville A & P Commission
P. O. Box 4157
Fayetteville, AR 72702-4157
479-521-5776

RECEIVED
DEC 21 2012
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

FAYETTEVILLE HOUSING AUTHORITY
#1 North School Ave.
Fayetteville, AR 72701-5928
PH: (479) 521-3850 FAX: (479) 442-6771
E-MAIL: fayettevilleha@moregti.net

December 21, 2012

Mayor Lioneld Jordan &
Fayetteville City Council Members
City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701

Dear Mayor Lioneld Jordan & Fayetteville City Council Members:

This letter is to confirm that the Fayetteville Housing Authority's Board has elected two new commissioners at its December 20, 2012, Regular Board Meeting.

The two new Commissioners for the Fayetteville Housing Authority Board are Leon Jones Jr. and Mike Emery. Leon Jones Jr. was appointed to serve a five year term from December 29, 2012 to December 28, 2017. Mike Emery is filling an unexpired term of three years from December 28, 2012 to December 28, 2015.

The Fayetteville Housing Authority Board requests that these two newly elected commissioners, Leon Jones Jr and Mike Emery, be placed on the next City Council Meeting Agenda to be formally confirmed by the municipality's governing body in accordance with the Arkansas State Statue #14-169-208.

If you have any questions, please feel free to call or e-mail.

Sincerely yours,

Fredia Sawin
Executive Director

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Handed out at the City Council Meeting 1-03-2013 C.2.

Fayetteville ARKANSAS
www.accessfayetteville.org

Departmental Correspondence

LEGAL DEPARTMENT

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: **Mayor Jordan**
City Council
CC: **Jeremy Pate**, Development Services Director
Jesse Fulcher, Planner – Current Planning

FROM: **Kit Williams**, City Attorney

DATE: **December 31, 2012**

RE: **Ordinance to amend §151.01 Definitions and §174.08 Prohibited Signs**

The Planning Department decided to propose simpler terms: "*Electronic message board*" rather than "*Changeable reader board, electric*" in its proposed new definitions for the Sign Ordinance. I have therefore changed the proposed ordinance to use these simpler defined terms.

Planning has also changed the exhibit to mirror the other changes in the ordinance. Prior to my reading the ordinance, I would request that an Alderman move to amend the ordinance handed out with your Agenda to this new one proposed by Planning.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §151.01 **DEFINITIONS** AND §174.08 **PROHIBITED SIGNS** OF THE UNIFIED DEVELOPMENT CODE OF FAYETTEVILLE TO CLARIFY REGULATIONS CONCERNING ELECTRONIC MESSAGE BOARDS

WHEREAS, changing technology has created the need to clarify the type and illumination power of electronic message boards to continue to protect aesthetic and traffic safety concerns of our City while still permitting electronic message boards similar to those already installed by commercial business in Fayetteville to continue to operate and continue to be permitted in the future; and

WHEREAS, electronic graphic screen signs which have appeared along I-540 and elsewhere in neighboring cities are so bright and distracting that they create substantially increased traffic safety dangers, aesthetic degradations of the vicinity, and unfairly diminish the usefulness and visibility of neighboring signs.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends the definition of *Bulletin Board* of §151.01 of the Unified Development Code by adding the following sentence at the conclusion of the definition: *"A bulletin board is considered a manual message board."*

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby further amends §151.01 of the Unified Development Code by adopting the following definitions:

> "*Electronic message board.* (Signs) A changeable copy sign that displays electronic, non-pictorial, text information in which alphanumeric characters and punctuation marks are defined by illumination devices, such as, but not limited to, light emitting diodes (LED), fiber optics, light bulbs, and liquid crystal display (LCD).

"*Manual message board. (Signs)* A changeable copy sign that is arranged manually in the field through the utilization of alphanumeric characters and punctuation marks.

"*Electronic graphic display screen. (Signs)* A sign or portion of a sign that displays electronic images, graphics or pictures, defined by matrix elements using different combinations of light emitting diodes (LED), fiber optics, light bulbs, or other illumination devices. Electronic graphic displays include television screens, plasma screens, digital screens, flat screens, LED screens, LCD screens, video boards, holographic displays, or other technologies of a similar nature.

"*Foot candle.* A unit of measurement referring to illumination. One foot candle is equal to one lumen uniformly distributed over an area of one square foot.

"*Illuminance.* The photometric quantity most closely associated with the perception of brightness and a measurement of the intensity of light falling on a surface at a given distance from the light source."

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby repeals §174.08(B) of the Unified Development Code and enacts a replacement shown as Exhibit "A" attached hereto and made a part hereof.

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby amends §174.08(C) of the Unified Development Code by adding "*portable message board*" as a type of temporary attraction sign board.

PASSED and **APPROVED** this 15th day of January, 2013.

APPROVED: ATTEST:

By: _____ By: _____

LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

EXHIBIT "A"

CHAPTER 174: SIGNS

174.08 Prohibited Signs

(B) *Fluctuating illumination.* It shall be unlawful for any person to erect additional attraction devices or signs or to continue in operation an attraction device or sign which flashes, blinks, or is animated. Illumination of attraction devices or signs located in the city that fluctuates in light intensity shall be prohibited.

(1) *Electronic message boards.* Electronic message boards may be permitted subject to the following conditions:

(a) *District limitations.* Electronic message boards are prohibited in all residential districts, including Neighborhood Conservation. They are allowed only in institutional, office, industrial and commercial zoning districts, or mixed use districts with nonresidential uses, but in no case ever allowed in the Neighborhood Services or I-540 Districts.

(b) *Size.* The maximum sign area of the electronic portion of an electronic message board shall not exceed 32 square feet.

(c) *Display.* Messages shall be displayed on a black or unlit background.

(d) *Dimming and brightness.* Signs shall be equipped with dimming technology that automatically adjusts the display brightness based on ambient light conditions. The sign shall not exceed 0.3 foot candles illumination above ambient light level.

(e) *Copy.* Electronic message boards using flashing, intermittent or moving light or lights are prohibited. There shall be no appearance of visual dissolving, fading, movement, animated text, video, or flow of message.

(i) Electronic message boards may change their message every three hours without violating the prohibition of flashing or blinking. Transitions between messages shall be instantaneous.

(2) *Electronic graphic display screens.* It shall be unlawful to erect any electronic graphic display screen.

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Sarah Marsh
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Martin W. Schoppmeyer, Jr.
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Alan T. Long

Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
January 03, 2013

A meeting of the Fayetteville City Council will be held on January 03, 2013 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Oaths of Office:

Sarah Marsh	**Alderman Ward 1**
Matthew Petty	**Alderman Ward 2**
Martin W. Schoppmeyer, Jr.	**Alderman Ward 3**
Alan T. Long	**Alderman Ward 4**
Lioneld Jordan	**Mayor**
Sondra E. Smith	**City Clerk Treasurer**

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

1. **Election of Vice Mayor**

2. **Report on the Firemen's and Policemen's Pension and Relief Fund** – Mayor Lioneld Jordan.

3. **Housing Authority Board Appointments**

Agenda Additions:

A. Consent:

1. Approval of the December 4, 2012 and December 18, 2012 City Council meeting minutes.

B. Unfinished Business: None

C. New Business:

1. **Amend §72.18 Residential Parking Permit Program for the Entertainment District Parking Zone:** An ordinance to amend §72.18 Residential Parking Permit Program for the Entertainment District Parking Zone (A) Applicability to add the block of Ila between Wilson and Vandeventer to this zone.

2. **Amend §151.01 Definitions and §174.08 Prohibited Signs:** An ordinance to amend §151.01 Definitions and §174.08 Prohibited Signs of the Unified Development Code of Fayetteville to clarify regulations concerning electronic message boards.

3. **Arkansas Entertainers Walk of Fame:** A resolution to express the City Council's intention to allow Butch Stone and Jason Bigbee to establish an Arkansas Entertainers Walk of Fame on sidewalks around the interior of the Square and on Center Street.

D. City Council Agenda Session Presentations:

E. City Council Tour:

F. Announcements:

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

All interested persons may address the City Council on agenda items of New and Old Business. Please wait for the Mayor to request public comment and then come to the podium, give your name, address, and comments about the agenda item. Please address only the Mayor. Questions are usually answered by the Mayor, Aldermen or Staff after the public comment period is over. Please keep your comments brief and respectful. Each person is only allowed one turn at the microphone for discussion of an agenda item.

All cell phones must be silenced and may not be used within the City Council Chambers.

Below is a portion of the **Rules of Order and Procedure of the Fayetteville City Council** pertaining to City Council meetings:

> **Agenda additions.** A new item which is requested to be added to the agenda at a City Council meeting should only be considered if it requires immediate City Council consideration and if the normal agenda setting process is not practical. The City Council may only place such new item on the City Council meeting's agenda by suspending the rules by two-thirds vote. Such agenda addition shall be heard prior to the Consent Agenda.
>
> **Consent Agenda.** Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If an Alderman wishes to comment upon or discuss a Consent Agenda item, that item shall be removed and considered immediately after the Consent Agenda has been voted upon.
>
> **Old business and new business.**
>
> > **Presentations by staff and applicants.** Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aides in a City Council meeting as part of their presentation.
> >
> > **Public comments.** Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.
>
> **Courtesy and respect.** All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

Interpreters or TDD for hearing impaired are available for all City Council meetings, a 72 hour advance notice is required. For further information or to request an interpreter, please call 575-8330.

A copy of the complete City Council agenda is available at accessfayetteville.org or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas.

AGENDA REQUEST

FOR: COUNCIL MEETING OF JANUARY 3, 2013

FROM:

ALDERMAN MARK KINION

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Amend §72.18 **Residential Parking Permit Program For The Entertainment District Parking Zone** (A) *Applicability* To Add The Block Of Ila Between Wilson And Vandeventer To This Zone

APPROVED FOR AGENDA:

Mark Kinion
Alderman

Dec 11, 2012
Date

City Attorney
(as to form)

Dec 7, 2012
Date

12-12-12A11:18 RCVD

Kim G.

Fayetteville ARKANSAS
www.accessfayetteville.org

Departmental Correspondence

LEGAL DEPARTMENT

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: **Mayor Jordan**
City Council

CC: **Don Marr**, Chief of Staff
Jeremy Pate, Development Services Director

FROM: **Kit Williams**, City Attorney

DATE: **December 7, 2012**

RE: **Placing one block of Ila within the Entertainment District Parking Zone**

Alderman Mark Kinion asked me to draft an ordinance to add one block of Ila Street (between Wilson Avenue and Vandeventer) to the Residential Parking Permit Program for the Entertainment District Parking Zone. This block of Ila is narrower than the remainder of Ila and only wide enough to allow parking on one side. The block immediately to the South contains two sororities where members sometime use this block of Ila for parking. This block is also the closest to the U of A campus and to a U of A bus stop. These factors often result in serious parking problems for the residents of this block of Ila.

This section of Ila is only a block from the current Residential Parking Permit Program for the Entertainment District Parking Zone. Alderman Kinion believes that the City should extend the District Parking Zone to this single block of Ila to help alleviate the unique parking problems its residents have.

Attached is an ordinance that would extend the District Parking Zone to this single block of Ila Street.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §72.18 **RESIDENTIAL PARKING PERMIT PROGRAM FOR THE ENTERTAINMENT DISTRICT PARKING ZONE** (A) *APPLICABILITY* TO ADD THE BLOCK OF ILA BETWEEN WILSON AND VANDEVENTER TO THIS ZONE

WHEREAS, the block of Ila Street between Wilson and Vandeventer is so narrow that parking can only be allowed on one side; and

WHEREAS, the block immediately south is zoned RMF-40 and has two sororities fronting on Wilson, Maple and Vandeventer; and

WHEREAS, the closeness to these sororities, the University and a bus stop draws so many students that the homeowners on this street often cannot park near their homes (most which do not have off-street parking); and

WHEREAS, this one block section of Ila is only one block from the Entertainment District Parking Zone and needs the same residential parking protections as currently exist for the rest of the residences in the Entertainment District Parking Zone.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends §72.18 **Residential Parking Permit Program For The Entertainment District Parking Zone** of the Fayetteville Code by adding the following at the end of the current (A) *Applicability* subsection:

"The block of Ila Street between Wilson Avenue and Vandeventer Avenue is added to and is hereby made a part of the North Zone of the Entertainment District Parking Zone."

PASSED and **APPROVED** this 3rd day of January, 2013.

APPROVED: ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

72.14 Parking Near Scene Of Fire

It shall be unlawful for any person to park any vehicle within any block where fire apparatus has stopped in answer to a fire alarm.

(Code 1965, §19-128; Ord. No. 1447, 6-7-65; Code 1991, §72.14)

Cross reference(s)--Penalty, §72.99.

State law reference(s)--Following fire apparatus, A.C.A. §27-51-902.

72.15 Parking Restrictions For Trucks, Tractors And Trailers

No person shall park a truck, tractor or trailer with a capacity of 3/4 ton or larger, or the chassis thereof, on any street between the hours of 12:00 midnight and 6:00 a.m., nor shall any person use any street for the purpose of repairing or reconditioning any such truck, trailer of any common carrier or any part thereof, except when much repairs shall be necessitated by an emergency.

(Code 1965, §19-130; Ord. No. 1447, 6-7-65; Code 1991, §72-15)

Cross reference(s)--Penalty, §72.99.

72.16 Parking Prohibited Within Fire Lanes at Northwest Arkansas Mall And Elsewhere

(A) It shall be unlawful for any person to park any motor vehicle or motorcycle within a designated fire lane at Northwest Arkansas Mall or elsewhere.

(B) The police department shall not be required to patrol any fire lane at Northwest Arkansas Mall, but upon being called, police officers shall come to the scene of an alleged violation and shall issue a citation or arrest the offender, if the offense is committed or is in existence in the presence of the officer.

(Code 1965, §19-141; Ord. No. 2427, 3-14-78; Code 1991, §72.16)

Cross reference(s)--Penalty, §72.99.

72.17 Illegal Parking In Disability Parking Areas, Penalties

Any vehicle found to be parked in an area designated for the exclusive use of any person with a disability as set forth in the Access to Parking for Persons with Disabilities Act (Act 907 of 1985 as amended, Americans with Disabilities Act, 28 C.F.R. Part 36, Appx. A), on which is not displayed a special license plate, a special certificate, or an official designation of another state as authorized by the aforementioned Act, or which is found to be parked in an area designated for the exclusive use of any person with a disability, if operated by a person who is not being used for the actual transporting of a person with a disability shall be subject to impoundment by the appropriate law enforcement agency. In addition thereto, the owner or operator of the vehicle shall, upon conviction, be subject to a fine of not less than $100.00, nor more than $500.00 for each offense, plus applicable towing impoundment, and related fees, as well as court costs.

(Ord. No. 4120, §1, 9-1-98)

State law reference(s)--Penalties, A.C.A. §27-15-305; Parking privileges - Exceptions, A.C.A. §27-15-312.

Federal law reference(s)--Americans with Disabilities Act, 28 C.F.R. Part 36, Appx. A. Secs. 72.18—72.29. Reserved.

72.18 Residential Parking Permit Program For The Entertainment District Parking Zone

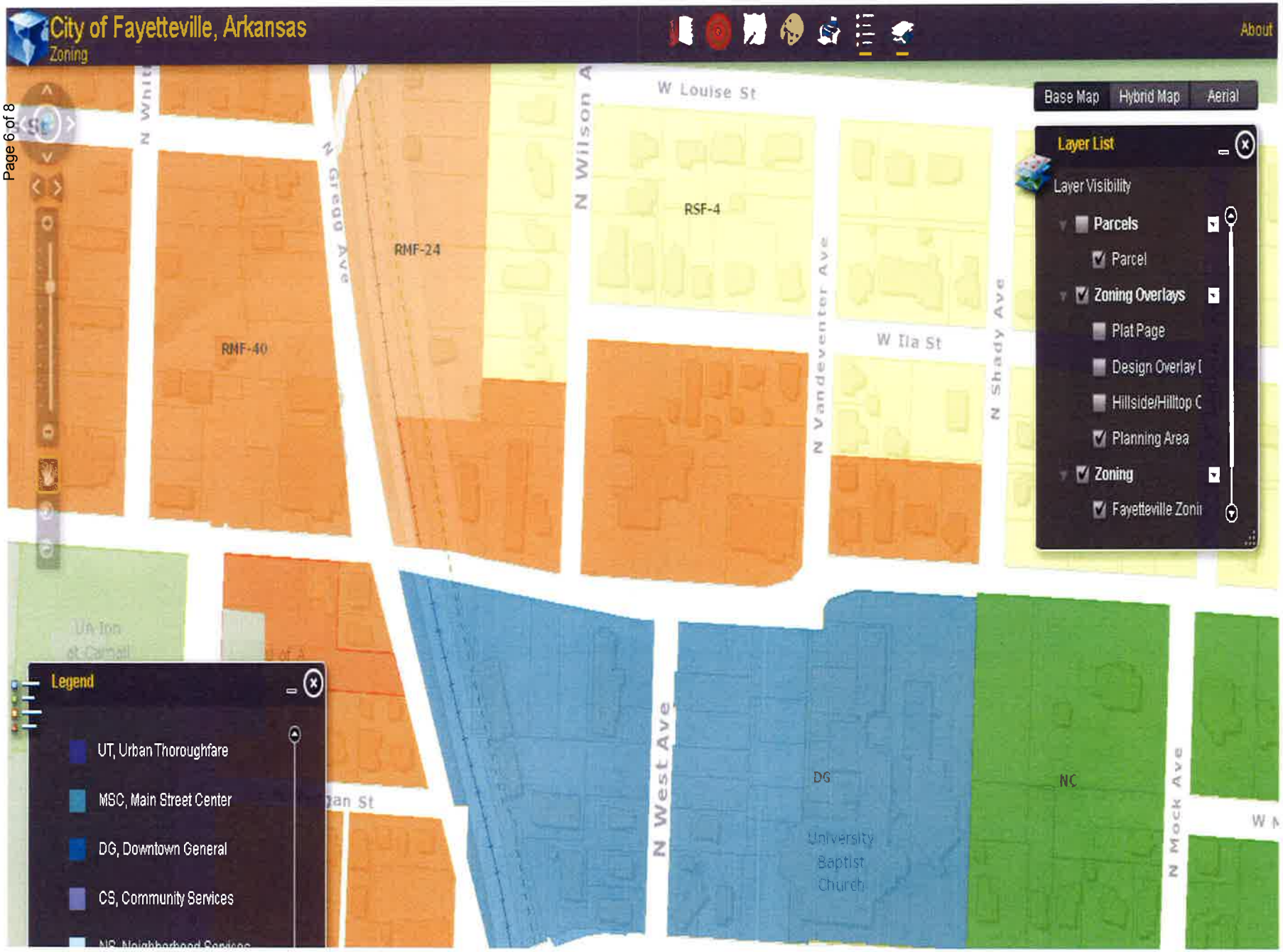
(A) *Applicability:* This Residential Parking Permit Program shall be applicable within the Entertainment District Parking Zone as shown and described on Exhibit A attached to the enacting ordinance. This parking zone will be further divided by Dickson Street into the North Zone for included residents living north of Dickson Street and the South Zone for included residents living south of Dickson Street.

(B) *Definitions:*

"Resident' means a natural person residing within a dwelling that the resident owns, leases or rents within the Entertainment District Parking Zone.

'Registered vehicle' means a motorized, validly state licensed and insured vehicle kept at the residence owned or leased by the resident within the Entertainment District Parking Zone. The Arkansas Vehicle Registration Certificate for the vehicle should list the residence within the Entertainment District. The Parking Division may accept other reliable documentation of ownership or occupancy of a residence within the Zone to justify issuance of a residential parking permit for a resident's vehicle.

'Residential parking permit' means the currently valid permit issued by Parking Division of the Transportation Department of the City of Fayetteville which allows the resident to park the permitted resident's vehicle in an authorized on-


City of Fayetteville, Arkansas
Zoning
About
Base Map
Hybrid Map
Aerial
Layer List
Layer Visibility
Parcels
Parcel
Zoning Overlays
Plat Page
Design Overlay I
Hillside/Hilltop C
Planning Area
Zoning
Fayetteville Zoni
Legend
UT, Urban Thoroughfare
MSC, Main Street Center
DG, Downtown General
CS, Community Services
RMF-40
RMF-24
RSF-4
W Louise St
W Ila St
N Wilson Ave
N Vandeventer Ave
N Shady Ave
N West Ave
N Mock Ave
DG
NC
University
Baptist
Church

City of Fayetteville, Arkansas
Zoning
About
Base Map
Hybrid Map
Aerial
Layer List
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Planning Area
Zoning
Fayetteville Zoni
Legend
UT, Urban Thoroughfare
MSC, Main Street Center
DG, Downtown General
CS, Community Services
RMF-24
RSF-4
RMF-40
W Ila St
N Wilson Ave
N Vandeventer Ave

Fayetteville ARKANSAS
www.accessfayetteville.org

Departmental Correspondence

LEGAL DEPARTMENT

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: **Alderman Mark Kinion**

FROM: **Kit Williams**, City Attorney

DATE: **December 7, 2012**

RE: **Ila Street parking problems -- ordinance**

Attached please find a draft ordinance to amend the *Applicability* section of the Residential Parking Permit Program for the Entertainment District Parking Zone to move one block of Ila Street into the District. Please review and let me know if any changes are needed.

City of Fayetteville Staff Review Form

City Council Agenda Items and Contracts, Leases or Agreements

1/3/2013
City Council Meeting Date
Agenda Items Only

Jesse Fulcher	Planning	Development Services
Submitted By	**Division**	**Department**

Action Required:

ADM 12-4228: Administrative Item (UDC Amendment Chapter 151 and 174): Submitted by City Planning Staff. The proposal is to amend the Unified Development Code Chapter 151, Definitions and Chapter 174, Signs, to provide regulations for electronic message and video boards.

Cost of this request	$ - Category / Project Budget	Program Category / Project Name
Account Number	$ - Funds Used to Date	Program / Project Category Name
Project Number	$ - Remaining Balance	Fund Name

Budgeted Item ☐ **Budget Adjustment Attached** ☐

Department Director — 12-14-2012 Date

City Attorney — Dec 17, 2012 Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Finance and Internal Services Director — 12-18-2012 Date

Chief of Staff — 12-18-12 Date

Mayor — 12/20/12 Date

Received in City Clerk's Office 12-14-12 P04:15 RCVD

Received in Mayor's Office ENTERED 12/18/12

Comments:

Fayetteville ARKANSAS
www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director

From: Jesse Fulcher, Current Planner

Date: December 14, 2012

Subject: ADM 12-4288, UDC Chapters 151, Definitions and 174, Signs

RECOMMENDATION

Staff recommends approval of an ordinance clarifying and further regulating the use of electronic message boards and video boards in the City of Fayetteville.

BACKGROUND

Signs that flash or blink have been regulated in Fayetteville's sign ordinance since 1972. However, newer technologies emerging in cities within the region such as electronic message boards and video boards aren't specifically addressed in the Unified Development Code. Currently, both sign types are allowed, provided that the message or image is stationary. The one exception is along the I-540 corridor where these types of signs have been prohibited since 1994.

The proposed amendments to the sign ordinance are intended to provide clear regulatory guidelines for electronic message boards, such as where they are permitted and at what size. The changes also include a prohibition on electronic video boards, thoughout the city.

DISCUSSION

None.

BUDGET IMPACT

None.

Fayetteville ARKANSAS
www.accessfayetteville.org

Departmental Correspondence

LEGAL DEPARTMENT

Kit Williams
City Attorney

Jason B. Kelley
Assistant City Attorney

TO: **Mayor Jordan**
City Council

CC: **Jeremy Pate**, Development Services Director
Andrew Garner, Senior Planner – Current Planning
Jesse Fulcher, Planner – Current Planning

FROM: **Kit Williams**, City Attorney

DATE: **December 17, 2012**

RE: **New "super bright" video type screens used for outdoor signs along I-540 and in neighboring cities**

I imagine that many of us have witnessed the new television type billboard signs on I-540 north of our city limits. These exceedingly bright (whether in daylight or at night) video screens are much more distracting than previous billboards even when those billboards are lighted. As such, this type of sign would be far more dangerously distracting signs related to traffic safety and far more degradating to Fayetteville's prized aesthetics and beauty. What is fine for the Las Vegas Strip or New York Times Square is not appropriate in Fayetteville.

The City's Sign Ordinance must keep up with the times and technology to maintain the aesthetic and traffic safety rationale for our Sign Ordinance. Failure to prohibit these super bright television screen signs would be unfair to all existing signs and force business competitors to purchase these super bright signs themselves. Fortunately, the first business which attempted to get such a sign approval from the Planning Commission was in the I-540 Overlay District that does not allow internally illuminated signs. For fairness' sake, the City needs to promptly amend the Sign Ordinance to prohibit this type of sign so we can keep the sign competition playing field level and equitable for all businesses.

Planning Staff and I have worked on what would need to be amended in the Sign Ordinance to continue to allow the electronic message board signs (that are not jarringly or unfairly bright) that allow changes every three hours, but to prohibit the television screen type sign whose brightness and changeable visions are unfair competitors and extremely dangerous for traffic safety and hurtful for the treasured beauty and aesthetics of Fayetteville. I support Planning Staff's recommended changes to the U.D.C. on this issue.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §151.01 **DEFINITIONS** AND §174.08 **PROHIBITED SIGNS** OF THE UNIFIED DEVELOPMENT CODE OF FAYETTEVILLE TO CLARIFY REGULATIONS CONCERNING ELECTRONIC MESSAGE BOARDS

WHEREAS, changing technology has created the need to clarify the type and illumination power of electronic message boards to continue to protect aesthetic and traffic safety concerns of our City while still permitting electronic message boards similar to those already installed by commercial business in Fayetteville to continue to operate and continue to be permitted in the future; and

WHEREAS, electronic graphic screen signs which have appeared along I-540 and elsewhere in neighboring cities are so bright and distracting that they create substantially increased traffic safety dangers, aesthetic degradations of the vicinity, and unfairly diminish the usefulness and visibility of neighboring signs.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends the definition of *Bulletin Board* of §151.01 of the Unified Development Code by adding the following sentence at the conclusion of the definition: *"A bulletin board is considered a manual reader board."*

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby further amends §151.01 of the Unified Development Code by adopting the following definitions:

> "*Changeable reader board, electric.* (Signs) A changeable copy sign that displays electronic, non-pictorial, text information in which alphanumeric characters and punctuation marks are defined by illumination devices, such as, but not limited to, light emitting diodes (LED), fiber optics, light bulbs, and liquid crystal display (LCD).

"*Changeable reader board, manual. (Signs)* A changeable copy sign that is arranged manually in the field through the utilization of alphanumeric characters and punctuation marks.

"*Electronic graphic display screen. (Signs)* A sign or portion of a sign that displays electronic images, graphics or pictures, defined by matrix elements using different combinations of light emitting diodes (LED), fiber optics, light bulbs, or other illumination devices. Electronic graphic displays include television screens, plasma screens, digital screens, flat screens, LED screens, LCD screens, video boards, holographic displays, or other technologies of a similar nature.

"*Foot candle.* A unit of measurement referring to illumination. One foot candle is equal to one lumen uniformly distributed over an area of one square foot.

"*Illuminance.* The photometric quantity most closely associated with the perception of brightness and a measurement of the intensity of light falling on a surface at a given distance from the light source."

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby repeals §174.08(B) of the Unified Development Code and enacts a replacement shown as Exhibit "A" attached hereto and made a part hereof.

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby amends §174.08(C) of the Unified Development Code by adding "*portable reader board*" as a type of temporary attraction sign board.

PASSED and **APPROVED** this 15th day of January, 2013.

APPROVED: ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

EXHIBIT "A"

CHAPTER 174: SIGNS

174.08 Prohibited Signs

(B) *Fluctuating illumination.* It shall be unlawful for any person to erect additional attraction devices or signs or to continue in operation an attraction device or sign which flashes, blinks, or is animated. Illumination of attraction devices or signs located in the city that fluctuates in light intensity shall be prohibited.

(1) *Electronic message boards.* Electronic message boards may be permitted subject to the following conditions:

(a) *District limitations*. Electronic message boards are prohibited in all residential districts, including Neighborhood Conservation. They are allowed only in institutional, office, industrial and commercial zoning districts, or mixed use districts with nonresidential uses, but in no case ever allowed in the Neighborhood Services or I-540 Districts.

(b) *Size*. The maximum sign area of the electronic portion of an electronic message board shall not exceed 32 square feet.

(c) *Display*. Messages shall be displayed on a black or unlit background.

(d) *Dimming and brightness.* Signs shall be equipped with dimming technology that automatically adjusts the display brightness based on ambient light conditions. The sign shall not exceed 0.3 foot candles illumination above ambient light level.

(e) *Copy*. Electronic message boards using flashing, intermittent or moving light or lights are prohibited. There shall be no appearance of visual dissolving, fading, movement, animated text, video, or flow of message.

(i) Electronic message boards may change their message every three hours without violating the prohibition of flashing or blinking. Transitions between messages shall be instantaneous.

(2) *Electronic graphic display screens.* It shall be unlawful to erect any electronic graphic display screen.

MARK-UP COPY

CHAPTER 151 AND CHAPTER 174

Barrel roof. (DDOD) Like a covered wagon, or inverted ship; barrel vault is an arch of uniform cross-section.

Base density. (Tree Preservation and Protection) The number of trees an applicant must plant based upon the quality and number of the trees proposed to be removed per acre.

Base flood. (Stormwater Management, Drainage and Erosion Control) The flood having a one percent chance of being equaled or exceeded in any given year, also referred to as the 100 year storm event.

Beacon. (Signs) A stationary or revolving light which flashes or projects illumination, single color or multi-colored, in any manner which is intended to attract or divert attention; except, however, this term is not intended to include any kind of lighting device which is required or necessary under the safety regulations described by the Federal Aviation Agency or similar agencies.

Bed and breakfast facility. (Zoning) A permanently owner occupied private home with a maximum of five guest rooms furnishing temporary lodging and breakfast to paying customers.

Block. A combination of building lots, the perimeter of which abuts streets.

Board of Adjustment. (Airport Zone) The Board of Adjustment established by Chapter 33.

Bona fide agricultural purpose. (Tree Preservation and Protection) The aim or goal of facilitating the ongoing commercial pursuit of farming, dairying, pasturage, horticulture, viticulture, or the keeping or raising of livestock or poultry, not otherwise prohibited by city ordinance.

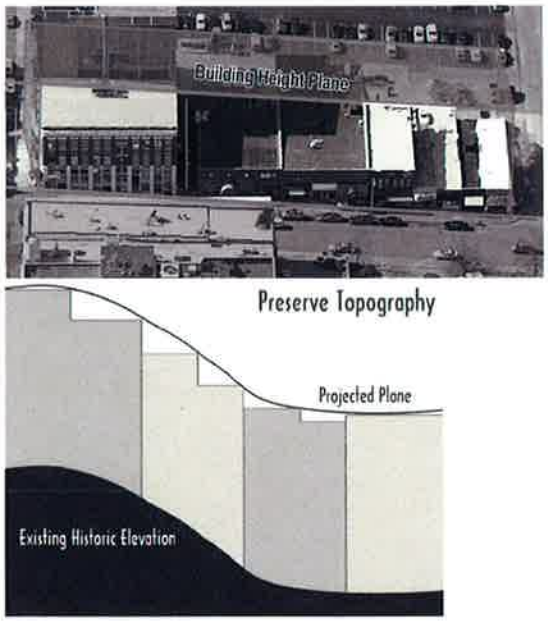
Build-to line. A build-to line identifies the precise horizontal distance from a street right-of-way that the building shall be built to, in order to create a uniform line of buildings along the street.

Build-to Zone. A build-to zone is a range of allowable distances from a street right-of-way that the building shall be built to in order to create a moderately uniform line of buildings along the street.

Buildable area. (Zoning) the portion of a lot remaining after required yards have been reserved.

Building frontage: The vertical side of a building which faces the primary space or street and is built to the Build-to line.

Building Height: Building height shall be measured vertically from the existing natural grade to any part of the structure, excluding spires, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof and not intended for human occupancy. To verify whether the height of a proposed structure is below the maximum height allowed, project a parallel plane above the existing natural grade and across the entire parcel. If the structure is below the upper line, then the height limitation has been satisfied.



Building official. (Building Regulations) A city building inspector.

Building permit. (Manufactured Homes and Parks) (Manufactured Homes and Parks opened or expanded after 4-20-72) A written permit issued by the enforcement officer permitting construction, erection, alternation, remodeling, or repair of a manufactured home park.

Bulletin board. (Signs) Any sign erected by a charitable, educational or religious institution or public body, which is erected upon the same property as said institution, for purposes of announcing events which are held on the premises. A bulletin board is considered a manual reader board.

C

Caliper. (Parking and Loading) A measurement of general tree size taken at a point located six inches above natural ground or root ball surface.

Caliper. (Landscape Regulations) A measurement of general tree size taken at a point located six inches above natural ground or root ball surface.

Canopied Slopes. (Tree Preservation and Protection) Any land with a slope of 15% or greater

containing trees, woody shrubs and herbaceous plants that serve the function of sustaining the structural integrity of the soil, thus reducing the likelihood of erosion, slide or slump.

Canopy. (Tree Preservation and Protection) The combined crowns of all trees on a tract of land.

Carport. An automobile shelter having one or more sides open.

Center for collecting recyclable materials. (Zoning) A facility that is not a salvage yard and in which recoverable resources, such as paper products, glass, aluminum, metal cans, and other products are processed for recycling. Processing may include the preparation of materials for efficient shipment by such means as baling, compacting, flattening, grinding, crushing and mechanical sorting.

Changeable reader board, electronic. (Signs) A changeable copy sign that displays electronic, non-pictorial, text information in which alphanumeric characters and punctuation marks are defined by illumination devices, such as, but not limited to, light emitting diodes (LED), fiber optics, light bulbs, and liquid crystal display (LCD).

Changeable reader board, manual. (Signs) A changeable copy sign that is arranged manually in the field through the utilization of alphanumeric characters and punctuation marks.

Chief administrator. (Building Regulations) The mayor of the City of Fayetteville.

Chief appointing authority. (Building Regulations) The City Council.

Chief building official. (Building Regulations) Building Safety Division director.

Cistern. (Stormwater) Roof water management devices that provide retention storage volume in above or underground storage tanks. They are typically used for water supply. Cisterns are generally larger than rain barrels, with some underground cisterns having the capacity of 10,000 gallons. On-lot storage with later reuse of stormwater also provides an opportunity for water conservation and the possibility of reducing water utility costs.

City. (Stormwater Management, Drainage and Erosion Control) The City of Fayetteville, including staff and elected officials, or designee.

City Engineer. (Stormwater Drainage and Erosion Control) The city engineer or his appointed representatives, including assigned staff engineers, technicians and inspectors.

City of Fayetteville Landscape Manual. (Tree Preservation and Protection) A document having detailed instructions for preparing tree preservation plans and standards and specifications for tree protection, planting, maintenance and design.

City official. (Streets and Sidewalks) The mayor (or other official designated by the mayor, and authorized to issue the permits granted thereunder) of the city.

City Planning Commission. (Manufactured Homes and Parks) (Manufactured Homes and Parks opened or expanded after 4-20-72) That commission created for the city by Chapter 33.

Civic Building. Structure used primarily for public education, cultural performances, gatherings and displays administered by non-profit cultural, educational, governmental, and religious organizations.

Club or lodge. (Zoning) A building or portion of a building used by an association for the promotion of some common objective excepting clubs the chief activity of which is a service customarily carried on as a business.

Collector street. (Streets and Sidewalks) A street which in addition to serving abutting properties, intercepts minor streets, connects with community facilities and carries neighborhood traffic to the major arterial street system.

Co-location. (Wireless Telecommunications Facilities) Locating wireless communications equipment for more than one provider at a single communications facility, on a building, or on an alternative tower structure.

Colonnade. (DDOD) A roofed structure, extending over the sidewalk, open to the street except for supporting columns or piers.

Column. (DDOD) A supporting pillar usually consisting of a round shaft, a capital, and a base.

Commercial development. (Tree Preservation and Protection) Any development in an R-O, Commercial or Industrial Zone and any conditional use in any other zone which permits activities usually conducted within an R-O, Commercial or Industrial Zone.

Commercial driveway. (Streets and Sidewalks) An entrance on public property or exit from any commercial, business, or public establishment adjacent to a public street or highway.

Commercial tree pruner/service. (Tree Preservation or Protection) A person who performs work on trees for profit.

a double-faced sign shall be considered in determining the display surface area.

District or zoning district. (Signs) A section or sections of the incorporated area of the city for which the then effective zoning ordinance governing the use of buildings and land are uniform for each class of use permitted therein. References to individual zoning districts contained herein shall refer to the zoning district established by the City Council in Chapter 160.

Disturb. (Physical Alteration of Land) To alter the natural state.

Domed roof. (DDOD) A vaulted roof having a circular, polygonal, or elliptical base and a generally hemispherical or semispherical shape.

Dormitory. (Zoning) A building or group of buildings designed or altered for the purpose of accommodating students or members of religious orders with sleeping quarters, with or without communal kitchen facilities, and administered by educational or religious institutions.

Drainage area. (Stormwater Management, Drainage and Erosion Control) The watershed area contributing surface and stormwater runoff to a stormwater management system.

Dripline. (Tree Preservation and Protection) An imaginary vertical line that extends downward from the outermost tips of the tree branches to the ground.

Drive-in/drive-through restaurant (Zoning) Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.

Dwelling, live/work. A dwelling unit within which an at-home business is encouraged. Businesses are limited to a maximum of two employees that do not dwell in the principal or accessory dwelling unit.

Dwelling, manufactured home. (Zoning) A detached residential dwelling unit designated for transportation on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundation, connection to utilities, and the like. A travel trailer is not to be considered as a manufactured home.

Dwelling, multi-family. (Zoning) A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, single-family attached / townhouse. (Zoning) Two or more dwelling units located on individual lots but joined along a single lot line. All such dwellings must be totally separated from other dwellings by a fire-resistant common wall.

Dwelling, single-family. (Zoning) A detached residential dwelling unit other than a manufactured home, designed for and occupied by one family only.

Dwelling, two-family / duplex. (Zoning) A detached residential building containing two dwelling units, designed for occupancy by not more than two families and located on one lot of record.

Dwelling unit. (Zoning) One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

E

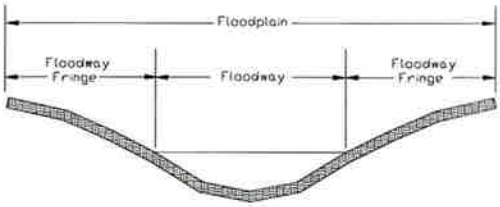
Easement. (Development) A grant by the property owner to the public, a corporation or persons, for the use of a strip of land for specific purposes.

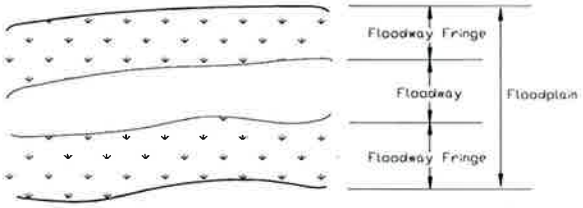
EIFS. (Exterior Insulating and Finish Systems). (DDOD) A cement based synthetic material used as an alternative to natural stucco.

Electronic graphic display screen. (Signs) **A sign, or portion of a sign that displays electronic images, graphics or pictures, defined by matrix elements using different combinations of light emitting diodes (LED), fiber optics, light bulbs, or other illumination devices. Electronic graphic displays include television screens, plasma screens, digital screens, flat screens, LED screens, LCD screens, video boards, holographic displays, or other technologies of a similar nature.**

Enforcement officer. (Manufactured Homes and Parks) (Manufactured Homes and Parks opened or expanded, 4-20-72) The chief building inspector of the city, or his/her duly authorized representative.

Engineer. (Stormwater Management, Drainage and Erosion Control) A professional engineer registered in Arkansas, or other person exempted pursuant to the provisions of the Arkansas Code Annotated, who is competent in the fields of hydrology and stormwater management.





Floodplain management. (Flood Damage Prevention) The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations. (Flood Damage Prevention) Development code, building codes, health regulations, special purpose ordinances (i.e., grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood-proofing. (Flood Damage Prevention) Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway. (Flood Damage Prevention) The channel of a river, or other watercourse, and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory floodway."

Floodway. (Stormwater Management, Drainage and Erosion Control) The channel of a stream, plus any adjacent floodplain areas that must be kept free to encroachment so that the 100-year flood discharge can be conveyed without increases of more than specified amount in base elevations, either zero or one foot depending on specific location. This is an area of significant depths and velocities and therefore due consideration should be given to the effects of fill and loss of cross-sectional flow area is increased water surface elevations.

Floor. (DDOD) A story within a building.

Forestation. (Tree Preservation and Protection) The act of planting trees.

Foot candle. A unit of measurement referring to illumination. One foot candle is equal to one lumen uniformly distributed over an area of one square foot.

Fraternity or sorority house. (Zoning) A building owned or leased by a general or local chapter of some regularly organized college fraternity or sorority, or by or on its behalf by a building corporation or association composed of members or alumni thereof, and occupied by the local chapter of such fraternity or sorority as a place of residence.

Freestanding sign. (Signs) A sign which is attached to or a part of a completely self-supporting structure. The supporting structure shall be set firmly in or below the ground surface and shall not be attached to any building or any other structure whether portable or stationary.

Frontage Line. The property line or lines of a lot which coincide with a right-of-way or other public open space.

Front Yard Area. Front yard area shall mean the area between the plane of the front elevation of the principal façade(s) of the principal structure extending to the side property lines and the front property line abutting the street, including the driveway. A front shall be any plane of a building which abuts to a public street right-of-way.

Functionally dependent use. (Flood Damage Prevention) A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

G

Gable. (DDOD) The vertical triangular end of a building from cornice or eaves to ridge.

Gabled roof. (DDOD) A double sloping roof that forms a gable at each end.

Gambrel roof. (DDOD) A roof where each side has two slopes; a steeper lower slope and a flatter upper one; a 'barn roof'.

Garage sales. (Zoning) An occasional sales activity, not to include activities described elsewhere as home occupations, but including activities generally referred to as garage sales, yard sales, rummage sales, white elephant sales, cleaning sales, or moving sales, where used goods are displayed or offered for sale to the general public in a residential area on the resident's premises.

expanded, 4-20-72) The legally designated health authority of the city or his authorized representative.

Height. (Airport Zone) Sea level elevation, unless otherwise specified.

Height. (Hillside/Hilltop Overlay District) Building height shall be measured from the lowest point of the structure at the historic grade, prior to development, to the highest point of the structure. If the structure is located on a graded pad then the height of the building is measured from the historic grade.

Height. (Wireless Telecommunications Facilities) The vertical distance measured from the mean elevation of the finished grade to the highest point on the tower or other structure, even if said highest point is an antenna or antenna array.

Highest adjacent grade. (Flood Damage Prevention) The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Hillside/Hilltop Development Manual. (Zoning) The best management practices document that supplements the Hillside/Hilltop Overlay District and illustrates desirable Hillside/Hilltop development practices.

Hillside/Hilltop Overlay District. (Zoning) Lands located within the City that generally have slopes in excess of 15 %. The Hillside/Hilltop Overlay District is shown on the City's official zoning map. The development regulations in the Hillside/Hilltop Overlay District supercede the underlying zoning district.

Hilltop. Hillside/Hilltop Overlay District) Land located above the Hilltop line which contains less than 15% slope and is completely surrounded by Hillside/Hilltop < 15% slope.

Hipped roof. (DDOD) A roof with slopes on all four sides. The "hips" are the lines formed when the slopes meet at the corners.

Historic discharge or volume. (Stormwater Management, Drainage and Erosion Control) The peak rate or volume at which stormwater runoff leaves a parcel of land in an undisturbed/natural site condition either by gravity or by the legally allowable discharge at the time of permit approval.

Historic grade. (Zoning) The natural grade of the land prior to any development.

Historic Structure. (Flood Damage Prevention) Any structure that is:

(A) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(B) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or

(C) Individually listed on a state inventory of historic places which has been approved by the Secretary of the Interior.

Home occupation. (Zoning) An occupation, profession or avocation conducted in a dwelling unit on a part-time or full-time basis for which financial compensation is received and which generates motor vehicle traffic to the dwelling unit by patrons or clients of the occupation, profession or avocation conducted therein. A nontraffic generating occupation, profession or avocation conducted in a dwelling unit by one or more members of the family occupying the premises shall be considered a residential use and not a commercial use. The term home occupation shall include a child care facility handling not more than six children at one time.

Horizontal surface. (Airport Zone) A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plane coincides with the perimeter of the horizontal zone.

Horsepower. (Building Regulations) The equivalent to 745 watts.

Housing Board. (Manufactured Homes and Parks) (Manufactured Homes and Parks opened or expanded, 4-20-72) The Housing Board established by the city.

House, lodging or rooming. (Zoning) A dwelling or building where lodging is provided for two or more persons for compensation, pursuant to previous arrangements, but which is not available to transients and with which no table board is furnished.

Hydroseed. (Physical Alteration of Land) A machine blown mixture of mulch, see and sometimes fertilizer.

I

Illuminance. The photometric quantity most closely associated with the perception of brightness and a measurement of the intensity of light falling on a surface at a given distance from the light source.

Illuminated sign. (Signs) Any sign which has characters, letters, figures, designs or outline

recorder or a lot or parcel described by metes bounds, the description of which has been so recorded.

Lowest floor. (Flood Damage Prevention) The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such an enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

Lumen. A unit of luminous flux. One foot candle is one lumen per square foot.

Luminaire or Fixture (Outdoor Lighting) means a complete lighting unit including the lamps or bulbs, together with the parts required to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

M

Major developments. (Development) A suburban or urban major development shall be a large scale development or subdivision that satisfies either of the following conditions:

(A) It contains 40 acres or more.

(B) It contains 100 housing units or more.

Whether or not it is planned in one or more phases, the total possible development shall be considered when its first stage, phase, or parcel is presented for review.

Mall. (Signs) Any concentration of retail stores and/or service establishments which share customer parking areas and are located within an enclosure having public walkways whereby a customer in one store or establishment may walk to another store or establishment without leaving the enclosure.

Mansard roof. (DDOD) A roof type with two slopes on each of the four sides, the lower slope being steeper than the other; capped off with a cupola, typically Victorian.

Manufactured home. (Flood Damage Prevention) A factory-built, single-family structure that meets the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. § 5401), commonly known as the HUD (U.S. Housing and Urban Development) code. For floodplain management purposes the term also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Manufactured home. (Manufactured Homes and Parks) A home built entirely in the factory under a federal building code, administered by the U.S. Department of Housing and Urban Development (HUD), which went into effect June 15, 1976.

Manufactured home. (Manufactured Homes and Parks opened or expanded after 4-20-72) A detached structure designed as a complete residential dwelling unit with a permanent chassis and capable of being transported on its own wheels, or on a trailer, and constructed to be ready for use upon being placed on a temporary or permanent foundation.

Manufactured home lot. (Manufactured Homes and Parks opened or expanded after 4-20-72) A plot of ground or a lot in a manufactured home park designed for the location for only one manufactured home.

Manufactured home pad. (Manufactured Homes and Parks opened or expanded after 4-20-72) That part of an individual manufactured home lot which has been reserved for the placement of a manufactured home.

Manufactured home park. (Manufactured Homes and Parks) Any plot of ground of at least one acre in size upon which two or more manufactured homes, occupied for dwelling or sleeping purposes, are located.

Manufactured home park. (Manufactured Homes and Parks opened or expanded after 4-20-72) Any park, court, site, parcel or tract of land designed, maintained intended or used for the purpose of supplying a location or accommodations for two or more manufactured homes and shall include all buildings used or intended for use as part of the equipment thereof; whether or not a charge is made for the use of the court and its facilities.

Manufactured home park or subdivision. (Flood Damage Prevention) A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.

Manufactured home space. (Manufactured Homes and Parks) A plot of ground within a manufactured home park, designed for the accommodation of one manufactured home.

Manufactured homes and trailer sales lot. (Manufactured Homes and Parks opened or expanded after 4-20-72) A lot on which unoccupied trailers are parked for purposes of inspection and sale.

CHAPTER 174: SIGNS

174.08 Prohibited Signs

(A) *Spot lights and beacons.* It shall be unlawful for any person to continue in operation or erect any attraction device or sign which contains a beacon of any type and/or contains a spot light providing direct illumination to the public.

(B) *Fluctuating illumination.* It shall be unlawful for any person to erect additional attraction devices or signs or to continue in operation an attraction device or sign which flashes, blinks, or is animated. Illumination of attraction devices or signs located in the city that fluctuates in light intensity shall be prohibited.

(1) *Electronic message boards.* Electronic message boards may be permitted subject to the following conditions:

(a) *District limitations.* Electronic message boards are prohibited in all residential districts, including Neighborhood Conservation. They are allowed only in institutional, office, industrial and commercial zoning districts, or mixed use districts with nonresidential uses, but in no case ever allowed in the Neighborhood Services or I-540 Districts.

(b) *Size.* The maximum sign area of the electronic portion of an electronic message board shall not exceed 32 square feet.

(c) *Display.* Messages shall be displayed on a black or unlit background.

(d) *Dimming and brightness.* Signs shall be equipped with dimming technology that automatically adjusts the display brightness based on ambient light conditions. The sign shall not exceed 0.3 foot candles illumination above ambient light level.

(e) *Copy.* Electronic message boards using flashing, intermittent or moving light or lights are prohibited.~~, provided, however, that electronic message boards displaying only time and/or temperature for periods of not less than 30 seconds are permited.~~ There shall be no appearance of visual dissolving, fading, movement, animated text, video, or flow of message. ~~Electronic message boards displaying only time and/or temperature for periods of not less than 30 seconds are permitted.~~

(i) Electronic message boards may change their message every three hours without violating the prohibition of flashing or blinking. Transitions between messages shall be instantaneous.

(2) *Electronic graphic display screens.* It shall be unlawful to erect any electronic graphic display screen.

(C) *Portable swinger or temporary attraction sign boards.* It shall be unlawful for any person to continue to display or erect any portable reader board, portable swinger, "A" frame, sandwich, or temporary attraction sign board in the city, except under the following conditions:

(1) One (1) freestanding, "A" frame sandwich / menu board for a single permitted eating establishment may be permitted on a commercially zoned lot or on the adjacent public or private sidewalk in front of the respective business for the duration of the business' hours of operation. The temporary sign shall be removed and placed inside after business hours.

(2) The sign shall be placed such that the sidewalk remains ADA compliant, and for signs located on the public sidewalk there shall be a minimum of five feet of the total sidewalk width free and clear, to provide adequate and unobstructed pedestrian movement.

(3) The permitted sign shall only advertise for the adjacent eating establishment, and is to be utilized for display of menu items or advertised specials. The sign may not be utilized for product placement or to advertise for other commercial or business establishments.

(4) The size of the sign shall be limited to 36" tall by 24" wide.

(5) No sign may be displayed or erected that swings, rotates, flashes, fluctuates, or is illuminated, or in any other manner that would violate the provisions of §174.08.

AGENDA REQUEST

FOR: COUNCIL MEETING OF JANUARY 3, 2013

FROM:

MAYOR LIONELD JORDAN and
ALDERMAN MATTHEW PETTY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution To Express The City Council's Intention To Allow Butch Stone And Jason Bigbee To Establish An Arkansas Entertainers Walk Of Fame On Sidewalks Around The Interior Of The Square And On Center Street

APPROVED FOR AGENDA:

Mayor — Date: 11/30/12

Matthew Petty
Alderman — Date: 11/30/2012

City Attorney
(as to form) — Date: Nov 30, 2012

11-30-12 P04:15 RCVD

RESOLUTION NO. _____

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S INTENTION TO ALLOW BUTCH STONE AND JASON BIGBEE TO ESTABLISH AN ARKANSAS ENTERTAINERS WALK OF FAME ON SIDEWALKS AROUND THE INTERIOR OF THE SQUARE AND ON CENTER STREET

WHEREAS, Butch Stone and Jason Bigbee have proposed that they be allowed to place an "Entertainers Walk of Fame" on sidewalks around the interior of the Square and Center Streets to honor well known Arkansas entertainers from the Music, Visual Arts, Literary Arts, and Film performance categories; and

WHEREAS, Butch Stone and Jason Bigbee propose to obtain the permission of such entertainers or their estates and to secure funding to create and install four plaques each year; and

WHEREAS, Butch Stone and Jason Bigbee promise that they will not establish a similar Arkansas Entertainers Walk of Fame in another city; and

WHEREAS, the City Council will have the final approval right for each Arkansas entertainer to be honored with a plaque.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby expresses its intention to allow Butch Stone and Jason Bigbee to establish an Arkansas Entertainers Walk Of Fame on sidewalks around the interior of the Square and on Center Street.

PASSED and **APPROVED** this 3rd day of January, 2013.

APPROVED: ATTEST:

By: _____ By: _____
LIONELD JORDAN, Mayor **SONDRA E. SMITH**, City Clerk/Treasurer

Arkansas Entertainers Walk Of Fame

Fayetteville, AR Proposal

The following is a list of things I (Butch Stone) need confirmed by the City of Fayetteville in order to bring The Arkansas Entertainers Walk of Fame to your City:

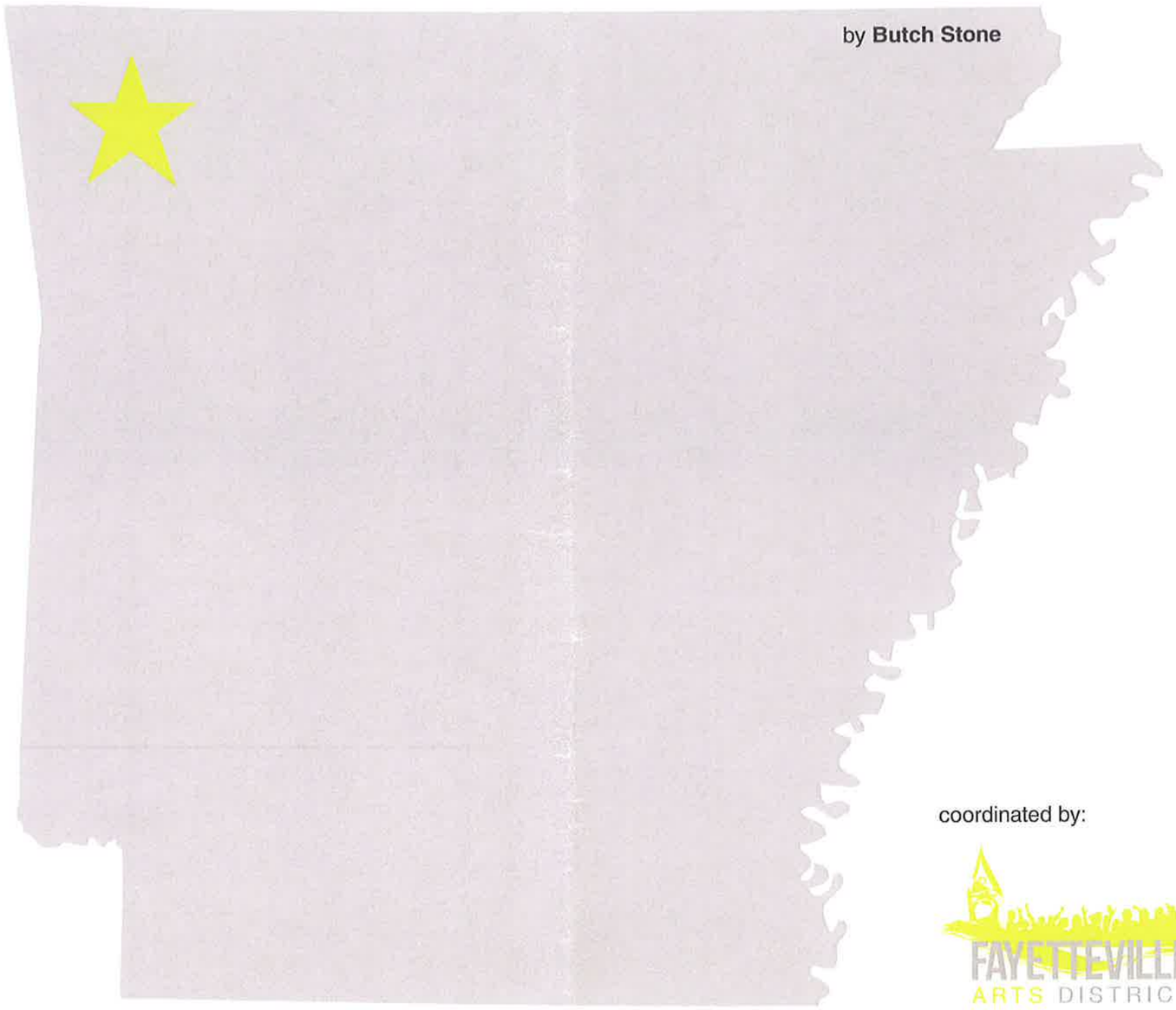
(1) Approval by City to have the Arkansas Entertainers Walk of Fame located in Fayetteville, and to have the event annually, in perpetuity.
(2) The City will pay the cost of installation and maintenance of the Plaques into the sidewalks, and will have exclusive right as to what street the plaques are installed into.
(3) All other cost will be the responsibility of The Arkansas Entertainers Walk of Fame Inc, a 501 c 3 company.
(4) The City will have the right to both Veto a proposed inductee, or Remove the plaque of an inductee, based on a morals clause, language to be worked out by both parties.
(5) A joint press conference and statement to be issued by The Mayor's office and me upon confirmation.

This is a good start. When you have your proposal done let's review it before you go to the Council. Thank you for your support and friendship. I am looking forward to working with your city to make this something Fayetteville will be proud of for generations to come.

Best wishes,
Butch Stone

Butch Stone (Founder/Director)
(501) 744 2220
concertcoinc@aristotle.net
200 Millwood #627
Maumelle, AR 72113

The Arkansas Entertainers Walk of Fame



by **Butch Stone**

coordinated by:

FAYETTEVILLE ARTS DISTRICT + modus studio architecture + prototyping

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The Arkansas Entertainers Walk of Fame

We are pleased to submit this proposal to bring The Arkansas Entertainers Walk of Fame to Fayetteville, Arkansas. The purpose of the Arkansas Entertainers Walk of Fame is to honor and celebrate the rich diversity of our native Arkansans who have, through their various talents, positively influenced Arkansans, the nation, and the world.

The premise of the Arkansas Entertainers Walk of Fame is to annually induct four people, one each from Music, Visual Arts, Literary Arts, and Film. The inductees will be honored through the placement of a custom plaque along a designated walking path within the city. Each year, the induction process will be celebrated with an organized event.

Working List of Nominees:

Johnny Cash
Kris Allen
Billy Bob Thornton
Maya Angelou
Levon Helm
Black Oak Arkansas
Mary Steenburgen
Al Green
Ben Moody
Glenn Campbell
Alan Ladd
Conway Twitty
KT Oslin
Jimmy Driftwood
Charlie Rich
Point Of Grace
Collin Raye
Mike Utley
Tracy Lawrence
Harry Thomason
Joe Nichols
Twila Paris
Sonny Burgess
Wes Bentley
The Browns
Jim Dickenson
Dick Powell
Alan Ladd
Amy Lee
John Grisham
Albert King
Art Porter Jr.
At Porter Sr.
Floyd Cramer
James Bridges
Jerry Van Dyke
Lawrence Hamilton
Lisa Blount
Louis Jordon
Mark Wright
Patsy Montana
Pharaoh Sanders
Ronnie Hawkins
Sonny Boy Williams
The Browns
Wayne Jackson

*image is subject to change per final plaque design, sidewalk locations, and orientation.

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The Arkansas Entertainers Walk of Fame

Confirmation.

The following is a list of things that need to be confirmed by the City of Fayetteville in order to bring The Arkansas Entertainers Walk of Fame (AEWoF) to the City:

1
Approval by City to have the Arkansas Entertainers Walk of Fame located in Fayetteville, and to have the event annually. If at any time the city chooses to not enable the event or placement of plaques, the AEWoF Board has the option to relocate the AEWoF to another city.

2
The City agrees to pay the cost of installation and maintenance of the Plaques into the sidewalks, and will have exclusive right as to what street the plaques are installed into. If the city needs to replace or remove sidewalks, the AEWoF will provide new plaques to be re-inserted into that location in the event that the existing plaques are damaged or destroyed from the construction process.

3
All other cost will be the responsibility of The Arkansas Entertainers Walk of Fame Inc, a 501 c 3 company.

4
The City will have the right to both veto a proposed inductee, or remove the plaque of an inductee, based on a morals clause (language to be mutually agreed upon by both parties).

5
A joint press conference and statement to be issued by The Mayor's office and the AEWoF Director upon confirmation.

Operating Procedure.

The Induction Board will meet during the first quarter of each year to discuss the artists being considered for Induction into The Arkansas Entertainers Walk of Fame. A vote will be taken to determine who will be inducted that year. After the vote, the Director will contact each artist to inform them of this honor and to coordinate their schedules in order to find the best date for the reception and installation of the plaques.

At this point, the Director will inform the Mayor along with the A&P Commission of the date, confirm the date, and the AEWoF staff will start the process of ordering the plaques and coordinating details for the reception and installation.

Once these details are complete, the AEWoF Public Relations officer will issue a press release to local, state, and national media. Each inductee will also have their PR Companies issue press releases.

The City will have approval rights as to both the design, size, and location of the plaques. The City will be responsible for the installation, and maintenance of each plaque. This will include maintenance of the plaques during snow fall or other inclement weather to protect the plaques and citizens.

The Arkansas Entertainers Walk of Fame staff will be responsible for all details and cost regarding the annual reception and event at the installation.

501C3 Board.

Butch Stone	Executive Director
Scott Strzelecki	Subway
Jennie Stone Reynolds	Stone Family
Christopher Crane	AR Film Commission
Danny Fife	Awakening Events
Philip Lyon	Attorney
Justin Stone	Stone Family
Dennis Stone	Stone Family

Induction Board.

Butch Stone	Executive Director
Christopher Crane	AR Film Commission
Peter Read	Night Flying
Dennis Stone	Stone Family
Stephen Butler	Butler Broadcasting
Matt Miller	Cumulus Broadcasting
Jason BigBee	BigBee Enterprises

Event Logistics.

The AEWoF will contact the appropriate department in the City to determine when the plaques should be installed, and coordinate that effort. The plaques should be installed approximately one week prior to the event, and covered so as to conceal them from view until the day of the event.

We will coordinate the travel, hotel and other logistics for each inductee. The event will consist of the Installation Ceremony in the afternoon open to the Public, and a Reception that evening for the Public, VIPs, Sponsors and their Guest(s).

The AEWoF staff will handle all details for the event. We will work closely with the Chamber of Commerce, Sponsors and City Officials.

In the future, the AEWoF may add a concert to the event and will be managed by a professional staff.

Location.

The first series of plaques for the AEWoF will be installed around the Old Post Office & then proceed east along the southern portion of Center Street. Once Center Street is filled with plaques then the installation will proceed down Block Avenue towards the intersection of Block Avenue & Dickson Street. The installment will return south along the western edge of Block Avenue to return to the Fayetteville Square. The plaques will not exceed the corner of Mountain Street & Block Avenue. *See Page 4 for the proposed location diagram.*

It is imperative to provide a good journey around the Fayetteville Square and encompass the two main pedestrian ways of Center Street and Block Avenue as both of these streets are crucial to the success of this project over time with the relevance of heavy foot traffic in each of these areas of the downtown area and the Fayetteville Arts District.

The size of the plaques will be a group decision between the AEWoF organization & Fayetteville City Council members to design a plaque size that works best for the City of Fayetteville.

The Arkansas Entertainers Walk of Fame

The proposed walk of fame layout shows a 20 year progression with 4 new plaques per year.

Inductee Plaque

*diagram is subject to change per final approve design.

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Agenda Session 12-27-12

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Sarah Marsh
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Martin W. Schoppmeyer, Jr.
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Alan T. Long

Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
January 03, 2013

A meeting of the Fayetteville City Council will be held on January 03, 2013 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Oaths of Office:

Sarah Marsh	**Alderman Ward 1**
Matthew Petty	**Alderman Ward 2**
Martin W. Schoppmeyer, Jr.	**Alderman Ward 3**
Alan T. Long	**Alderman Ward 4**
Lioneld Jordan	**Mayor**
Sondra E. Smith	**City Clerk Treasurer**

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

1. **Election of Vice Mayor**
2. **Report on the Firemen's and Policemen's Pension and Relief Fund** – Mayor Lioneld Jordan.

3. **Housing Authority Board Appointments**

Agenda Additions:

A. Consent:

1. Approval of the December 4, 2012 and December 18, 2012 City Council meeting minutes.

B. Unfinished Business: None

C. New Business:

1. **Amend §72.18 Residential Parking Permit Program for the Entertainment District Parking Zone:** An ordinance to amend §72.18 Residential Parking Permit Program for the Entertainment District Parking Zone (A) Applicability to add the block of Ila between Wilson and Vandeventer to this zone.

2. **Amend §151.01 Definitions and §174.08 Prohibited Signs:** An ordinance to amend §151.01 Definitions and §174.08 Prohibited Signs of the Unified Development Code of Fayetteville to clarify regulations concerning electronic message boards.

Consent (3.) **Arkansas Entertainers Walk of Fame:** A resolution to express the City Council's intention to allow Butch Stone and Jason Bigbee to establish an Arkansas Entertainers Walk of Fame on sidewalks around the interior of the Square and on Center Street.

D. City Council Agenda Session Presentations:

E. City Council Tour:

F. Announcements:

Adjournment:

Add: Amend 31.30 (E) (1) and 31.45 (G)(1)

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Consent Agenda. Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If an Alderman wishes to comment upon or discuss a Consent Agenda item, that item shall be removed and considered immediately after the Consent Agenda has been voted upon.

Old business and new business.

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Pre Agenda Meeting 12/19/12

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City Clerk Sondra Smith

Fayetteville
ARKANSAS

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3. **2013 Governing Body Appointments:**
    - **Active Transportation Advisory Committee Appointment**
    - **Advertising & Promotion Commission**
    - **Washington County Regional Ambulance Authority**

4. **2013 Mayor Appointments:**
    - **Environmental Action Committee**
    - **Northwest Arkansas Regional Planning Commission**
    - **Equipment Committee**
    - **Streets Committee**
    - **Sewer Committee**
    - **Nominating Committee**
    - **Ordinance Review Committee**

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