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

City of Fayetteville Arkansas
City Council Meeting Minutes
May 21, 2013

A meeting of the Fayetteville City Council was held on May 21, 2013 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

PRESENT: Alderman Adella Gray, Sarah Marsh, Mark Kinion, Matthew Petty, Justin Tennant, Martin Schoppmeyer, Rhonda Adams, Alan Long, &, Mayor Lioneld Jordan, City Attorney Kit Williams, Deputy City Clerk Lisa Branson, Staff, Press, and Audience.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Mayor Jordan welcomed students from Woodland Junior High School.

City Council Meeting Presentations, Reports and Discussion Items:

Agenda Additions: None

Consent:

Approval of the May 07, 2013 City Council meeting minutes.

Approved

Bid #13-20 Shipley Motor Equipment Company: A resolution awarding Bid #13-20 and authorizing the purchase of two (2) Mack trucks with Wayne Titan bodies from Shipley Motor Equipment Company in the amount of $490,120.00 for use by the Solid Waste Division.
Resolution 102-13 as recorded in the office of the City Clerk.

Bid #13-21 Terex Utilities: A resolution awarding Bid #13-21 and authorizing the purchase of one (1) Ford F-550 truck from Terex Utilities of North Little Rock in the amount of $44,285.00 for use by the Transportation Division.

Resolution 103-13 as recorded in the office of the City Clerk.

Bid #13-24 Terex Utilities: A resolution awarding Bid #13-24 and authorizing the purchase of one (1) Ford F-550 truck with Reading body and auto crane from Terex Utilities of North Little Rock in the amount of $72,660.00 for use by the Parks and Recreation Department.

Resolution 104-13 as recorded in the office of the City Clerk.

Bid #13-27 Rehrig Pacific Company: A resolution awarding Bid #13-27 and authorizing a contract with Rehrig Pacific Company in the amount of $40,450.00 for the purchase of curbside recycling bins and lids and approving continuing purchases, as needed, for the next five (5) years pursuant to bid price adjustments.

Resolution 105-13 as recorded in the office of the City Clerk.

Belt Loader and Golf Car Purchase: A resolution approving a budget adjustment in the amount of $27,275.00 to transfer funds to the Fleet Division for the purchase of one (1) belt loader and one (1) golf car for use at Fayetteville Executive Airport.

Resolution 106-13 as recorded in the office of the City Clerk.

Bid #13-28 Clifford Power Systems: A resolution awarding Bid #13-28 and authorizing a contract with Clifford Power Systems in the amount of $36,705.17 for EPA mandated modification to the Noland Wastewater Treatment Plant backup power generator.

Resolution 107-13 as recorded in the office of the City Clerk.

Prism Education Center Lease Agreement: A resolution approving a Community Development Block Grant Public Facility Lease Agreement with Prism Education Center for 10 S. College Avenue.

Resolution 108-13 as recorded in the office of the City Clerk.

Building Performance Institute Class Reimbursement: A resolution approving a budget adjustment in the total amount of $1,195.00 recognizing reimbursement revenue for a Building Performance Institute class from Northwest Arkansas Community College.

Resolution 109-13 as recorded in the office of the City Clerk.

Northwest Arkansas Metro Chiefs Association Regional HAZMAT: A resolution approving a budget adjustment in the amount of $28,565.00 to utilize Northwest Arkansas Metro Chiefs Association Regional HAZMAT team assets for purposes of start-up and outfitting of a Fayetteville HAZMAT team.

Resolution 110-13 as recorded in the office of the City Clerk.

AvFuel Corporation: A resolution awarding RFP #13-05 and approving a five (5) year contract with AvFuel Corporation for the provision of aviation fuel and refueler trucks for Fayetteville Executive Airport-Drake Field.

Resolution 111-13 as recorded in the office of the City Clerk.

Keep America Beautiful/UPS Foundation Grant: A resolution authorizing acceptance of a community tree planting non-matching grant from Keep America Beautiful and the UPS Foundation in the amount of $5,000.00, and approving a budget adjustment.

Resolution 112-13 as recorded in the office of the City Clerk.

Rodgers Drive Budget Adjustment: A resolution to approve a budget adjustment in the amount of $110,000.00 to increase the budget to repair a portion of Rodgers Drive next to the City's water towers.

Resolution 113-13 as recorded in the office of the City Clerk.

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

Unfinished Business:

Amend §114.02 Farmers' Market: An ordinance to amend §114.02 **Farmers' Market** to transfer the current free use of the south parking spaces on Mountain Street to the control of the Rural Mountain Producers Exchange Board, to close Mountain Street to traffic, to permit sound amplification during Farmers' Market and to make other changes. ***This ordinance was left on the First Reading at the March 19, 2013 City Council meeting. This ordinance was left on the Second Reading at the April 2, 2013 City Council meeting and sent to the Ordinance Review Committee. This ordinance was left on the Third Reading at the April 16, 2013 City Council meeting and Tabled to the May 7, 2013 City Council meeting. This ordinance was left on the Third Reading at the May 7, 2013 City Council meeting and Tabled to the May 21, 2013 City Council meeting.***

City Attorney Kit Williams: I think the last thing that was on the table and is off the table now is the amendment that was read two meeting ago that was presented by Alderman Petty.

Mayor Jordan: It has gone to Ordinance Review, I think since then.

City Attorney Kit Williams: It has. The thing that is right before us now is that amendment.

Alderman Petty: I made the motion that is on the floor to withdraw and make a new motion to amend it to the version you wrote up in response to the Ordinance Review Committee.

Mayor Jordan: We would need to have a withdraw of the second.

City Attorney Kit Williams: The second would also have to agree to a withdraw.

Mayor Jordan: Does anyone remember who that was?

City Attorney Kit Williams: We could say if the second is here, does the second have any objections. It has to be one of the seven of you.

Alderman Adams and Tennant stated they had no objection.

City Attorney Kit Williams: You can withdraw that.

Alderman Petty withdrew his previous amendment from the April 16, 2013 City Council meeting.

Alderman Petty moved to amend the ordinance attached to the May 3, 2013 City Attorney Memo. Alderman Long seconded the motion.

Mayor Jordan: The chair of the Ordinance Review, would you like to comment on the revision?

Alderman Long stated the Ordinance Review Committee recommended removing Center Street from the proposal.

Alderman Gray: I feel like we have significant new information regarding this whole ordinance. I don't feel inclined at this moment to vote in favor of anything that we have done in the past. I feel it needs to go back to Ordinance Review taking into account the new information, the purchase of the Old Post Office, and how that is going to impact this ordinance. I would like for us to table it and send it back to Ordinance Review with this new information. I can not vote for this amendment.

Alderman Long: I received an email from Mark Risk and I responded to him with the Ordinance Review Committees idea for removing Center Street and he was positive with that and said that helped a great deal. I share some of your concerns, but I don't think sending it back to Ordinance Review will help us gain any more consensuses.

Alderman Gray: I have had significant constituent mail regarding closing the streets for Farmer's Market and I feel we need look at other options. We have significant new input from constituents as well as people who would like to put brick and mortar businesses on the square. We have a wonderful Farmer's Market. I feel torn about the decision because I want it to grow, improve and continue to be the number one in the nation. We have to protect the brick and mortar businesses on the square and we have to listen to all constituents. I feel we can work to make it a better ordinance.

Alderman Marsh: We have new information with the potential purchase of the Old Post Office building. It is important in considering this resolution that we think about what is best for the entire City of Fayetteville and not just one private interest that might be investing in the square. Providing new potential owners and tenants with a degree of certainty so that they know what to expect will help them in their negotiations because right not there is a lot of ambiguity about what will be happening on the square and we need to clarify that for them.

Don Marr, Chief of Staff: It has been multiple weeks since this has been done and a very long time since the very first initial reading of the ordinance. There have been significant changes since the first ordinance. I ask that you read the ordinance like you would on the first reading so that everyone is aware of what is being voted on tonight.

City Attorney Kit Williams reviewed the changes to the ordinance and read the proposed amendment.

Alderman Long: I thought I was making a second based on information that was presented in our packet and that ordinance is not in our packet. I am uncomfortable because the public hasn't seen this.

Alderman Petty: We are going to make the amendments one way or the other.

Alderman Long: I will let the second stand.

Alderman Adams: Adella were you making a point or were you asking for us to act on something you said?

Alderman Gray: I was saying I can not support the amendment if it closed all the streets with the exception of Center Street.

Alderman Petty: Regarding the email we received from the real estate agent for the OPO, I responded. It seemed there was a perception that we were going to make a proposal to close the streets on all three days of the market. I wrote back and explained that it was only on Saturday that we were talking about. The other concern was access to the loading dock would be maintained and I explained that was required to always be left open. The response I got was it sounds good to me and I will pass this information on to the person who has the building under contract and the current owners.

Alderman Gray: The point that needs to be made is that all twenty one hours that the Farmer's Market is there, the parking places around the Square are not available for customers on the Square and that is significant. I have spoken with previous owners of the OPO, who had a business there, and they felt like their business was jeopardized. On Tuesday and Thursday we are taking parking places of people who come to eat at the OPO or to shop at one of our stores on the Square.

Mayor Jordan: There would have to be discussion on how many hours or days that we are going to allow the Farmer's Market to be there. Is that what you are saying Adella?

Alderman Gray: I am not saying that we need to change anything on Tuesday and Thursday. For us to say that we are not affecting the businesses on the Square except on Saturday is erroneous, because we are closing parking places.

Alderman Adams: What was in our packet and what was available to the public was not what was read and it's been read. I understand that. Alderman Marsh your point is that it would be good to clarify this for the potential buyer of the building, but if this is not a concern, according to Alderman Petty, I would be interested in us not voting on this tonight and making sure the correct ordinance is published in the packet.

Mayor Jordan: We have a motion and a second to pass the amendment.

City Attorney Kit Williams: There could be a motion to table. The reason it was not in your packet is because I did not feel that I had the right to put it in your packet.

Alderman Adams: I did have a problem with the dog section. It seemed strongly worded to me.

City Attorney Kit Williams: Nothing has been passed by City Council and you can make amendments at any time.

Alderman Adams: As a council I am uncomfortable. May I ask Lori some questions? If this ordinance passes tonight as it is, what changes would be made this season for the Farmer's Market?

Lori Boatright, Farmer's Market General Manager: We initially asked for Mountain Street to be closed and we thought it was a simple request. We have been able to look at all your input to evaluate some things we have not looked at and work to make a better plan for everybody. If this is enacted, from thirty days of vote is when the changes are supposed to be made and we can work within that timeline.

Alderman Adams: What changes are you looking forward to from this?

Lori Boatright: The biggest change would be adding Block Street. It would take some time to put that in effect. We have already set where our vendors are this year. It would take until next season to be able to work that in, but that gives us the west side of Block Street to incorporate some things in 2014.

Mayor Jordan: May they put an amendment on an amendment?

City Attorney Kit Williams: Yes they can. It sounds like there is not a terrific rush. I do agree with the comment that I wish this was in the packet. I started to talk about this at the last meeting, but it was immediately tabled and could not get it in the packet. I would be more comfortable if this ordinance was in the packet so that citizens could see it. If there are problems with the animal one, then present what the problems are. Maybe we need an effective date of this. If you are not ready to do the Block Street immediately or even with thirty days, then we should have an effective date to give you more time to get prepared for any changes. I would suggest not tabling this amendment. Right now we have the original proposal that has never been amended and we have a come along way from that. I suggest you act on the amendment and then table the ordinance as amended, so citizens would know what you are looking at.

Alderman Adams: I would like to commend our Ordinance Review Chair person for keeping this in such good order. There is confusion though. I visited with someone on Block Street who owns a business and she is not sure where we got to. She signed something for Alderman Petty and she appreciated his negotiation, but still wasn't sure what this final outcome was. I don't mind voting on this amendment, but I request that it is very clear before we enact an ordinance.

Alderman Kinion: I am going to endorse everything that has been said. We need to get the amendment done and the published version needs to be available to the public and the individuals directly impacted with this, because there is confusion. Let's vote on the amendment, table it, and send it back to Ordinance Review Committee. This would allow more time for the potential buyer since he is currently out of the country. I probably will vote against the amendment, but I do want it to be voted on with the hope that a more perfect and combined set of ideas are associated with an amended version in the future. I am not against the Farmer's Market and the expansion, but we need to have the appropriate amendment.

Alderman Long: I want to vote on the amendment tonight. I don't see the business confusion. I've talked to all of them personally and I have notes from my conversations with each member. I have explained exactly where we are at with each one and nothing has significantly changed since that point. As far as sending it back to Ordinance Review, as the chair of that committee, I can tell you that we had a productive meeting and reached all the consensus that we are going to reach in that committee. There will be no purpose in sending it back, because everyone is set in their opinion. I will not be in support of tabling this tonight.

Alderman Petty: I would like to thank Alderman Long and the Ordinance Review Committee. With an issue like this, it was managed well and we came to a good consensus. If we vote on this amendment, the only differences between the versions are three clarifications. One is consistency and two others were to clarify the intent.

Alderman Kinion: The chairman of the committee did not feel what was read came out of the committee.

Alderman Long: What we are going to vote on as an amendment was consistent with what came out of the meeting with the exception of a few small changes. I do not think those small changes need to go back to Ordinance Review.

Upon roll call the motion passed 5-3. Alderman Adams, Gray and Kinion voting no.

Alderman Adams moved to table the ordinance to the June 4, 2013 City Council meeting. Alderman Kinion seconded the motion. Upon roll call the motion passed 6-2. Alderman Long and Marsh voting no.

New Business:

Historic Woolsey Family Homestead: A resolution to express the City Council's intent to examine the feasibility of preserving the historic Woolsey Family homestead in west Fayetteville.

Alderman Marsh: The City Council had a tour of the Historic Woolsey Homestead and what was found were a unique structure dating back to 1845 and a cemetery dating back to 1830. It is one of the oldest homesteads in our area and has fallen in a grim state of disrepair. We should take action so that we don't lose this important piece of history. We would like to ask city staff to work with various stakeholder groups to find the appropriate use for this facility for preservation.

Alderman Long: Bruce Shackelford came to the Ward 4 meeting and gave a presentation on the Woolsey Wet Prairie and there is so much history. I am very excited to support this.

Mayor Jordan asked for public comment.

Will Watson, Historic District Commission member: I went on the tour and I think this is a good thing for Fayetteville. As Alderman Marsh said it is in a sad state of disrepair. There are a lot of structures in Fayetteville that we will not get that built history of the city back. This is an opportunity.

Aubrey Shepherd stated that he is glad this item is coming forward as an official city action.

Alderman Long moved to approve the resolution. Alderman Petty seconded the motion.

Mayor Jordan: Alderman Marsh and I are bringing this forward, but I would like to recognize Paula Marinoni as being instrumental in trying to preserve this property and I want to thank her. When looking at one of the oldest homesteads we have in this city, I think about the rich history that the city has and how important it is to preserve that history. If we do not, we will have a very dim future.

Upon roll call the motion passed 8-0.

Resolution 114-13 as recorded in the office of the City Clerk.

RZN 13-4348 (1035 N. Gregg Ave./Smith): An ordinance rezoning that property described in rezoning petition RZN 13-4348, for approximately 0.44 acres, located at 1035 North Gregg Avenue from RMF-24, Residential Multi-Family, 24 units per acre to NC, Neighborhood Conservation.

City Attorney Kit Williams read the ordinance.

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

Alderman Petty: I am a little surprised with this request. The southern two thirds of the property which have a traditional neighborhood feel, but the corner of the property which abuts an intersection with twelve or thirteen lanes coming into it. One of the biggest outcomes of our city planning efforts has been to come up with reasons to support walk ability. Building a single family home on an intersection like that does nothing to improve that, certainly not on the North Street facing side. There is nothing there now and having something there might be better in general, but at the same time knowing that's not the highest and best use for that corner, especially with UAMS and student population over the next five years and it only being a quarter mile away and the commercial activity that happens on North Street. This single family form on that corner doesn't help.

Alderman Long: I like the way it looks and it does achieve a higher density than what it is currently zoned. At the same time it serves as a north entrance into the Wilson Park area. It is pleasing aesthetically and a good compromise.

Alderman Kinion: As you go south on Gregg it does offer a viable opportunity to put single family homes between the multi family apartment complex to the west and the single family homes to the east. As you go up North Street they are single family homes and this goes from a neighborhood of single family homes to a higher density single family home as a good buffer and opportunity to have the single family homes before you get to the apartment complex right next to it. It offers a good transition as you go down Gregg into the park area. The design the developer has in mind works well with walk ability because it is going to be a higher density and the trail is at the bottom and then you go up to UAMS on the sidewalk. Looking immediately to the south of this property which is single family and then to the east is single family, I think it offers an attractive alternative. I am supporting this and it will meet the needs of the neighborhood as well as develop a piece of property that has been left vacant.

Alderman Marsh: Do we know which way this planned house on the corner would face?

Jeremy Pate, I have seen site plans and they are currently showing to face to North Street

Alderman Marsh: I like the more dense single family homes for this use. A concern is that on Martin Luther King (MLK) there are some houses that do not face MLK and they have tall fences and that is not good for the walk ability of the neighborhood.

City Attorney Kit Williams: When it comes to zoning you are only allowed to consider the usage. You can't consider what will be built there. That is beyond what we are allowed to consider for a zoning decision. We have the applicant here.

Justin Jorgensen, Jorgensen and Associates: The buildings do face north and the garages will be on the south end. The sidewalk will be on the front to increase the walk ability issue.

Alderman Marsh: Are there tall fences planned for the north street?

Justin Jorgensen: I have not seen any fences.

Mayor Jordan asked for public comment.

Aubrey Shepherd stated his opinion about the rezoning. He voiced his concern about water runoff.

Alderman Tennant: I'd like to echo what Alderman Long said about the Wilson Park entrance. I'm working in the vendor community and a family will come in and try to figure out where they are going to live, whether Fayetteville or Rogers or Bentonville, so I take it upon myself to be a tour guide and drive them to Fayetteville. More times than not, they decide to live in Fayetteville when I'm finished. I always go that way into the park area because I show them the trail and the cross walk. The Wilson Park area looks great but I wish that corner looked better. I think something like that would really enhance the way that entrance looks. I love the idea and am very supportive of what they are going to do here.

Alderman Adams: The first thing I look at on these rezoning requests is what the owner can do by right. The owner by right can build single family homes there. We are looking at can he build more than if he wanted too right now. It seems like a good idea.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Petty: I am going to vote against this. Single family and apartment complexes are not the only options. The corners are the most important pieces of land in town.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-1. Alderman Petty voting no.

Ordinance 5584 as Recorded in the office of the City Clerk.

VAC 13-4346 (902 S. School St./Ferguson's Addition): An ordinance approving VAC 13-4346 submitted by city staff for property located around 902 South School Street (Ferguson's Addition) to vacate a 60 foot right-of-way.

City Attorney Kit Williams read the ordinance.

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

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

City Attorney Kit Williams read the ordinance.

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Schoppmeyer 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 7-0. Alderman Marsh was absent during the vote.

Ordinance 5585 as Recorded in the office of the City Clerk.

Amend Chapters 151, 161, 164 and 172: An ordinance to amend Chapters 151, 161, 164 and 172 of the Unified Development Code to modify certain standards within Urban Zoning Districts, to clarify and add flexibility to some of these requirements, to amend building height references and add a maximum building height to the C-1 Zoning District, and to provide supplement design standards for auto-oriented facilities within these districts.

City Attorney Kit Williams read the ordinance.

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

Alderman Marsh: I am disappointed that you chose to regulate building height instead of number of stories. When you have a height limit, developers want to cram as much in there as possible. Why would you choose that instead of four stories that would allow people to have some variation in the height of their stories?

Jeremy Pate: We had four or five committee meetings about that. Their decision reflected a variety of opinions from architects on which were better to choose from. The concern with stories is there is no limit on height.

Aubrey Shepherd: I think building safety standards, standing up to a tornado, should be more important than what it looks like or how it will impress people.

Ron Sharp: I appreciate the new level of refinement that the code is going through where they are concerned with human scale and what it's like on the street, the experience of walking through the town and having the buildings not too tall. I like adding the step backs and the ability to come closer to the sidewalk. I hope you support them.

Alderman Marsh: I received comments on removing the duplexes. What is the reason for doing that?

Jeremy Pate: It comes from the majority of the neighborhood conservation zoning requests that come before you. You have not approved them unless a bill of assurance was offered by the applicant to remove duplexes as a use of part of the neighborhood. Neighboring residents didn't want an entire neighborhood of duplexes. We have to keep up with the bill of assurance.

Alderman Marsh: What is the bias against duplexes?

Jeremy Pate: There's always been a stigma attached to a duplex development in a college town usually that is going to be a rental. That it is an investment property, not for someone living in a duplex and renting out the other side. Most cases, it's simply a duplex constructed for a rental property with four or five parking spots in the back in order to invest in that property. Also in some parts of the city we have entire neighborhoods with that single form of development and they have not developed over time as the most desirable areas, so that stigma has attached itself to those. We have multifamily design standards now that help that because we apply them to duplexes, hopefully we will see improvements in that. Design standards don't always fix those stigmas.

This ordinance was left on the First Reading.

2013 COPS Hiring Program Matching Grant: A resolution approving an application for a 2013 COPS Hiring Program matching grant in the amount of $375,000.00 to fund three (3) police officers for a period of four (4) years with the $348,494.00 matching requirement split proportionally between the City and the Fayetteville School District.

Mike Reynolds, Deputy Chief of Police gave a brief description of the resolution.

Alderman Gray: I support this. It is a great thing to do. The need for extra sets of eyes and ears around the public schools is growing more and more. I strongly support this grant.

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

Resolution 115-13 as recorded in the office of the City Clerk.

Solid Waste Budget Adjustment: A resolution approving a budget adjustment in the amount of $302,600.00 to provide funding from reserves for Solid Waste personnel training, additional roll-off containers, carts, and recycling containers.

Brian Pugh, Waste Production Coordinator for the city gave a brief description of the resolution. He reviewed information in the packets about waste sort completed in July 2012.

Don Marr, Chief of Staff expressed his support for this resolution.

Alderman Marsh: I'd like to see us get together and have a budget retreat on all of these wish list items, and develop some criteria for ranking and prioritizing them. Then we can go back and decide how much we can allot for these very worthy projects.

Don Marr: The difference in this situation is that the enterprise funds have their own reserves and are restricted to the use of just that enterprise fund. In this case, the reserve funds that are listed in your budget adjustment are funds that can only be used for solid waste purposes.

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

Resolution 116-13 as recorded in the office of the City Clerk.

Willow Bend Development: A resolution to express the City Council's intent to invest about one million dollars to cost share the construction of city infrastructure within the houses at Willow Bend development with proper assurances that affordable, owner occupied housing will be constructed and preserved in this new neighborhood.

Peter Nierengarten gave a brief description of the resolution.

Rob Sharp, President of Partners for Better Housing Board gave a presentation on what the city's contribution to the project would do in terms of enabling home ownership in the Walker Park neighborhood.

Alderman Long: You mentioned a lot of the area was wet area, is any of this built within your flood plain?

Brian Teague with Community by Design: There is no 100 year flood plain on the property. There's a small drainage that traverses the property from North to South, Northwest to Southeast and it drains about 50 acres.

Alderman Long: How do we legally determine that the people that apply are the people that meet the qualifications? What if a person says no, I want to buy the house anyway. What if someone that has more money than necessary wants to buy one of these homes?

Rob Sharp: There's a procedure put together by HUD, it's administered by the Local Housing Authority and also ADFA (Arkansas Development Finance Authority). They have income verification. There will be a legal arrangement with the city that we will not sell houses to people that do not fall into those income guidelines.

Alderman Tennant: My two major things about this are, I want to make sure that 10 years from now this isn't all rental houses that we wish hadn't been built or that does not look very good. You have restrictions and covenants in place for that.

Rob Sharp: We can require that you live in your home. We will have covenants with specific rules and regulations.

Alderman Tennant: The other thing is to be able to connect to other streets. One of my struggles is there is a lot of people that tell me, so I'm supposed to pay tax money for something I'm never going to go to and I will not get anything out of it. What they can get out of it is the ability to connect to Walker Park. Tell me about connectivity, is there a plan there?

Rob Sharp: There is not a plan yet. We've had discussions with Housing Authority.

Alderman Tennant: Keep with that, that's important.

Alderman Gray: Can you talk to me about covenants.

Rob Sharp: There are deed restrictions whereby if you are buying the house at a lower price than the free market would command, then the people that sell you that house at under cost have given you a subsidy of say $20,000. If you turn around and sell it next year, you don't get the appreciation. 90% goes back to the nonprofit that built the house.

Alderman Gray: Is covenant the right word? I've been told neighborhood covenants, the city has no enforcement power over those.

Kit Williams: That is normally correct. Some we do require property owner associations to maintain streets. That's a covenant they can not undo. I am somewhat concerned about the salary limitations. What kind of power will we really have to enforce limitations of income for individuals purchasing these houses? How do we ensure that any money the city might invest would actually flow through to the individuals you would be wanting to assist, or would it possibly be helping a home builder build a house and not sell it at a price you might think you would be able to sell it? There are a lot of problems in this that make me concerned.

Alderman Gray: It might be better to call it deed restrictions than covenant?

Kit Williams: We could have a combination of both. He explained his concerns with the resolution.

Alderman Gray: Would we benefit then from some extra time where you could help them reword some things to make it a little safer?

Kit Williams: This is just a resolution of intent. There area policy issues too to look at. If you pass this resolution then it's up to me to look at overcoming some of these other detail problems and advise on legal issues.

Mayor Jordan: This is a resolution of intent to see if the council wants to explore if we want to do the million dollars. It will have to come back to them and they will have to do the approval.

Kit Williams: I want to point out that the City Attorney's office has the same staff as we had in the 1980's. There's a limit to how much we can handle. This would be a major thing. If you vote yes, you can expect delays on other things that you might want. There's only so much that my assistant and I can do.

Paul Becker, Finance Director: As the mayor has said, it's a resolution of intent. It doesn't commit us to anything. That will be determined in the future.

Mayor Jordan: We are looking for some direction from the council, if y'all want to spend this kind of time.

Alderman Long: I share Kit's concern. I would like to see us table this resolution until Kit can look into the legal issues.

Alderman Gray: I'd like to address a question to the chair of the street committee, Matthew. I thought we already had that in our budget?

Alderman Petty: We ended up prioritizing 7 or 8 projects and we had $2.5 million give or take left over, according to the cost estimates. With the most recent prioritization which the council passed at the last meeting, we have $1.4 million in unallocated funds predicted for the third phase of the bond issue. This is one of those that we were looking at for those funds. The city attorney advised us to use CIP funds instead of bond funds. There the conversation went from using straight bonds funds to rearranging the financing structure for some of the other bonds projects to shuffle CIP funds from those projects to this project, if this was the desire of the council.

Kit Williams: My advice was that we not use the sales tax capital bond funds for this. I felt it was something that was not communicated to the voters.

Paul Becker: We don't know what these costs are going to be, we don't know what the bids are going to be. At this point in time, remember everything is an estimate.

Don Marr: The reason we have the surplus is because during the recessionary period our projects came in lower than they were originally forecast. One of our concerns is if projects come in higher because of increased demand in construction work due to state sales tax road issues, then you begin cutting from the bottom of your list. The extra dollars you're talking about could not be an option depending on where projects come in.

Mayor Jordan: We had planned on having a discussion on the finances on about June, 11. Another option would be to table this until after that discussion.

Alderman Petty: There is no guarantee that I would even vote for this when it comes back. I'd want to see a gap analysis and where the money is coming from on our end. The main point is that the idea is compelling enough to want to be able to answer the question whether or not we should fund it. We don't even have enough information to do that. I'm comfortable voting for this tonight because the legal implications will be the first things that will be looked at.

Alderman Marsh: It's important that we dispel the myth that we would be spending the city's dollars to benefit only one neighborhood. This development is meeting a huge need for affordable housing.

Alderman Adams: The Street Committee has done a great job of trying to spend money in all four wards. You don't always make the developer pay for every piece of a street when they develop property?

Jeremy Pate: If they are going to develop on that street then it's usually their responsibility to improve that. If there are improvements beyond what their impact will be then they will usually come before the city to request city money.

Don Marr: We do cost share when a developers line is going in and when we want to put in a larger growth.

Alderman Adams: I don't think we look at it as a huge pile of money. We cost share and approve development to make the streets and access better. I'm supportive of this project.

Keaton Smith, Iberiabank is in the business lending, and I am on the board for Partners for Better Housing. He discussed how cost shares will help banks be willing to give loans for the project.

Alderman Gray: Many times when we spend money, we are spending for the betterment of the city. We need this kind of housing.

Mayor Jordan: We are not going to know anything until we do this resolution of intent to see if it will be doable. We need affordable housing.

Alderman Kinion: There are a lot of examples where this works in communities. We have not had a good record of community development corporations in Arkansas in the past but at the same time if it is managed properly it can be handled. There are models that we can use. We can show the need and we have the support of the Housing Authority and Partners for Better Housing. I encourage that we investigate this. There are so many things that could be ideal for the community as a whole.

Aubrey Shepherd: I'm interested in housing for low income people. He voiced his concerns about the stream in the area runoff and protection of the environment in the area of this proposed development.

Morgan Hooker on the Partner's board, wants to make it known that it's an unusual time on the board. There is a diverse board that is committed to working hard on getting something done with affordable housing. It is not easy. We share your concerns about making it safe for the city and the future residents.

Alderman Long: I am supportive of affordable housing, but I'm not sure it is my intent to spend a million dollars. I'm not sure I would be until I hear what the other items would be on the table in June.

Kit Williams read the operative section about the intent to invest up to a million dollars, expressing that it is a consideration if safeguards and guarantees are in place.

Mayor Jordan: We have been talking about affordable housing for a long time. I don't know if this is going to work out. This is a resolution of intent. This is our opportunity to look at it and try.

Alderman Marsh moved to approve the resolution. Alderman Kinion seconded the motion. Upon roll call the motion passed 7-1. Alderman Long voted no.

Resolution 117-13 as recorded in the office of the City Clerk.

Amend Article XVI City Council Street Committee: An ordinance to amend Article XVI City Council Street Committee of the Code of Fayetteville to change its name and provide additional areas for it to study and make recommendations to the full City Council.

City Attorney Kit Williams read the ordinance.

Alderman Petty: I brought this forward to the Street Committee based on conversations we had last year and this year mostly driven by the transit vote last year and some of the discussions that are happening now with Razorback Transit and Ozark Regional Transit to start to look at how some of those decisions might be directed by representative by each of the wards.

Alderman Long: Residents are looking at what is missing on the trail plan. Looking at this ordinance, I asked how can I make this work with my committee so we can have two functional roles. I can up with an amendment to Section A.

Alderman Long moved to amend the ordinance for Section A to read instead of *changes additions or deletions to the Fayetteville Act of Transportation and Trails Map, Bikeway Map and related funding priorities;* A would read: *Changes additions or deletions to the Bikeway Map and Trail Arterial Street Intersections.* On sections B1, instead of *Proposed street*

sidewalk, trail, bikeway and transit related improvement **it would remove the word trail. Alderman Kinion seconded the motion.**

Alderman Petty: I'm fine with this clarification in general but I prefer if the motion wasn't a distinction for arterial streets.

Alderman Long moved to amend his amendment to remove the word *arterial.* Alderman Kinion seconded the motion. Upon roll call the motion passed unanimously.

Alderman Petty 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 Petty moved to suspend the rules and go to the third and final reading. Alderman Marsh 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 5586 as Recorded in the office of the City

City Council Agenda Session Presentations:

CH2M Hill Wastewater Operations Annual Report - Billy Ammons, CH2M Hill Regional Business Manager

City Council Tours: None

Announcements:

Don Marr: The offices will be closed on Monday May 27th for the Memorial Day holiday. All public offices are closed to the public. I want to remind citizens that we are in the middle of severe weather condition opportunities and on the city's website is a method to sign up for emergency notifications issues by the national weather service. Wilson Park pool opens June 7th at 4 p.m. Admission is free that day. It is sponsored that night as the dive-in movie *Madagascar 3*, sponsored by the Fire Fighters Association. Rupple Road input session is scheduled for next Thursday, May 30th from 5 pm to 7 pm at the Fayetteville Boys' and Girls' Club. Gulley Park concert series is Thursday May 30th from 7 pm to 9 pm with Wheeler Brothers. Also, we have a *Fast and Furious* Blockbuster event at our animal shelter Friday the 24th and Saturday the 25th, cats are $6 for this event. Ward clean ups have finished for the spring. We collected 128 tons of

bulky waste. Saturday May 25th is White Water clean up volunteer opportunity from 1 pm to 8 pm. I want to remind citizens Summer Camp registrations are being taken for Park and Recreation Department. We want to remind citizens of city code to maintain your yards.

Kit Williams: The council will receive the letter from Mr. Huson, who wants to buy the Old Post Office. He got with me earlier about what he was doing. I drafted a proposed lease, it does cover the issues of the Farmer's Market, First Thursday, and other special events that may close streets and take up parking.

Alderman Gray: I want to remind citizens that we are taking applications for boards and commissions. Those need to be turned into the clerk's office before the end of the month.

Adjournment: 9:40 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer