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
June 04, 2013

A meeting of the Fayetteville City Council was held on June 04, 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, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: ***None***

City Council Meeting Presentations, Reports and Discussion Items:

Quarterly Financial Report – 1st Quarter of 2013, Paul Becker, Finance Director presented this at the city council meeting and a copy was emailed to the council.

Agenda Additions: None

Consent:

RFP #13-06 Challenger Teamwear: A resolution awarding RFP #13-06 and authorizing a contract with Challenger Teamwear in the amount of $12.15 plus tax each for youth soccer uniforms for the Fall 2013 and Spring 2014 seasons.

Resolution 118-13 as recorded in the office of the City Clerk.

Gallagher Benefits Services: A resolution approving the annual renewal contract in the amount of $57,600.00 with Gallagher Benefits Services for the provision of City employee benefits broker services.

Resolution 119-13 as recorded in the office of the City Clerk.

Bid #13-19 Suncoast Infrastructure, Inc.: A resolution awarding Bid #13-19 and approving a contract with Suncoast Infrastructure, Inc. in the amount of $162,495.00 to construct Elkins Outfall Gravity Sewer Improvements, and approving a $20,000.00 project contingency.

Resolution 120-13 as recorded in the office of the City Clerk.

Goodwin & Goodwin, Inc. Change Order 2: A resolution approving Change Order No. 2 to the construction contract with Goodwin & Goodwin, Inc. for water and sewer relocations on N. Garland Avenue in the amount of $111,165.35, and approving a budget adjustment.

Resolution 121-13 as recorded in the office of the City Clerk.

2013 Curbside Value Partnership: A resolution approving application for a 2013 Curbside Value Partnership education recycling marketing grant valued at $25,000.00.

Resolution 122-13 as recorded in the office of the City Clerk.

Keep America Beautiful Cigarette Litter Prevention Program Grant: A resolution authorizing acceptance of a Keep America Beautiful Cigarette Litter Prevention Program Grant in the amount of $1,000.00, and approving a budget adjustment.

Resolution 123-13 as recorded in the office of the City Clerk.

2012 ADEQ Recycling Grant: A resolution authorizing acceptance of a 2012 Arkansas Department of Environmental Quality Recycling Grant in the amount of $25,000.00 for the purchase of recycling containers for the apartment recycling program, and approving a budget adjustment.

Resolution 124-13 as recorded in the office of the City Clerk.

Concrete Sculpture Donation: A resolution authorizing acceptance of a concrete sculpture donation from Hank Kaminsky for placement along Scull Creek Trail or Frisco Trail.

Resolution 125-13 as recorded in the office of the City Clerk.

EPA Region 6 Wetland Program Development Grant: A resolution approving application for an EPA Region 6 Wetland Program Development Grant in an amount up to $132,500.00 for an assessment of City streams.

Resolution 126-13 as recorded in the office of the City Clerk.

Wal-Mart Stores, Inc.: A resolution authorizing acceptance of the donation of an AreaRae air detection instrument in an approximate value of $50,000.00 from Wal-Mart Stores, Inc. for use by the Fire Department.

Resolution 127-13 as recorded in the office of the City Clerk.

Amend Resolution No. 200-12 Animal Services Advisory Board: A resolution to amend Resolution No. 200-12 to add a City Council member to the Animal Services Advisory Board.

Resolution 128-13 as recorded in the office of the City Clerk.

Bid #13-30 Benchmark Construction of NWA, Inc.: A resolution awarding Bid #13-30 and authorizing a contract with Benchmark Construction of NWA, Inc. in the amount of $27,900.00 for the construction of a replacement concrete floor for the Solid Waste Transfer Station on Happy Hollow Road, and approving a project contingency of $5,580.00.

Removed from the Consent Agenda for discussion

Alderman Petty moved to approve the Consent Agenda as read with Bid #13-30 Benchmark Construction of NWA, Inc. removed for discussion. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

The following item was removed from the Consent Agenda for discussion

Bid #13-30 Benchmark Construction of NWA, Inc.: A resolution awarding Bid #13-30 and authorizing a contract with Benchmark Construction of NWA, Inc. in the amount of $27,900.00 for the construction of a replacement concrete floor for the Solid Waste Transfer Station on Happy Hollow Road, and approving a project contingency of $5,580.00.

Alderman Tennant moved to amend the resolution to the second lowest Bidder LJB Construction. Alderman Long seconded the motion. Upon roll call the motion passed unanimously.

Amended Resolution is as follows:

Bid #13-30 LJB Construction, Inc..: A resolution awarding Bid #13-30 and authorizing a contract with LJB Construction, Inc. in the amount of $54,473.00 for the construction of a

replacement concrete floor for the Solid Waste Transfer Station on Happy Hollow Road, and approving a project contingency of $5,447.00.

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

Resolution 129-13 as recorded in the office of the City Clerk.

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. This ordinance was left on the Third Reading at the May 21, 2013 City Council meeting and Tabled to the June 4, 2013 City Council meeting.***

Alderman Petty: I want to thank the council and our citizens for their patience on this. I think we have come to as strong of a consensus as we can. I visited yesterday again with Liz Fulton, owner of Town and Country. She's ready to try this out. The timing is just about perfect.

Chuck Rutherford, president of R&P Board of Directors, the Fayetteville Farmers Market read the R&P Mission Statement. He then read a letter that he received last November, which completed the one year trial of setting up on Mountain Street the way they were asking for. He then read a newspaper article written by Dale Broker. The letter and newspaper article expressed the positive changes recently seen in the square during the Farmers' Market.

Alderman Tennant: I think it will be a positive effect on the businesses around. One of my main things about this has been safety. I see kids out there without their parents. I think closing the streets will make it safer.

Alderman Long: Read section 5 Part H of the ordinance: Dogs on the Square during the market.

Alderman Marsh: I support that.

Alderman Long moved to amend the ordinance to state *each person will clean up after their dogs.* Alderman Petty seconded the motion. Upon roll call the motion passed unanimously.

Alderman Gray: I would like clarification on the exhibition spaces. We would like it in the ordinance that the spaces are integrated with the vendors.

Alderman Gray moved to amend the ordinance to add *integrated.* Alderman Kinion seconded the motion. Upon roll call the motion passed unanimously.

Alderman Gray: There is some question on the food vendors, and whether or not they will be registered with A&P and pay tax like other food vendor trucks.

Alderman Petty: Every vendor that sells prepared food has to remit HMR taxes. All the other vendors that aren't selling produce have to remit regular sales taxes, only farmers selling produce have the state exemption.

Alderman Gray: Does that need to be in the ordinance?

City Attorney Kit Williams: That's a matter of state law, so it's already in there.

Mayor Jordan: We are going to leave Center Street open? So we can get an emergency vehicle through there?

Kit Williams: Center Street is not to be closed.

Alderman Marsh: In a way we are not closing streets. We are opening them to the public and commerce. I see this as a Green Job's plan. Every new market stall we create is a green job to be filled. This is a great way to grow our local sustainable economy, create green jobs, and improve access to healthy foots.

Alderman Gray: This has been a difficult decision for me. This ordinance should go back to Ordinance Review Committee. We, as aldermen, should not leave a single stone unturned in thinking about how to handle this very important issue for our city. I believe we should do what we conclude is the best for our city. There are great options that have not been addressed. I will not be voting in favor of this ordinance today because I feel that what we have, as the number one Farmers Market in the nation is unique.

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

Ordinance 5587 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. ***This ordinance was left on the First Reading at the May 21, 2013 City Council meeting.***

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

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Development Services Director: The one thing we tried to follow up a little more on was in relation to building height and how the current proposal in Chapter 161 was to remove references to stories. We have those only in a few zoning districts primarily in downtown. The reason was to provide clarity for designers and staff in administrating our building height regulations. Stories can vary in height, the intent was to allow citizens and adjacent property owners understand what the maximum height could be.

Alderman Marsh: My concern with height limits is that when you impose a height limit as opposed to a story limit, you are economically incentivizing people to build pancake buildings, low story buildings. It is more profitable for them to cram in as much as we allow.

This ordinance was left on the Second Reading.

New Business:

RZN 13-4360 (693 W. North St./Randle): An ordinance rezoning that property described in rezoning petition RZN 13-4360, for approximately 2.44 acres, located at 693 West North Street from I-1, Heavy Commercial and Light Industrial, to CS, Community Services.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

Alderman Petty: Where did the request come from?

Jeremy Pate: This was from the property owner.

Alderman Petty: In some other communities, with older industrial centers, industrial buildings are being repurposed and readapted into new facilities. These are turned into artist studios and live work units for freelancers.

Scott Blacksher with Blew and Associates: I am here to represent the Randall Family on the project.

Aubrey Shepherd: This is adjacent to Skull Creek. Whatever it is used for should take that into consideration. The existing building that is closet to the stream already would be illegal to be built at this time under our stream protection ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Adams: Could I ask Jeremy about what Aubrey just said? It's not within the stream side protection?

Jeremy Pate: It's likely the west side of that property would be in the stream side protection zone. However, the community services district would help with redevelopment of this property.

Alderman Gray 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 5588 as recorded in the office of the City Clerk.

RZN 13-4363 (2269 N. Henbest Rd./Nelms): An ordinance rezoning the properties described in rezoning petition RZN 13-4363, for approximately 5.77 acres, located at 2269 North Henbest Road from R-A, Residential Agricultural, RSF-4, Residential Single-Family, 4 units per acre, and RMF-24, Residential Multi-Family, 24 units per acre, to CS, Community Services and C-2 Thoroughfare Commercial.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

Alderman Adams: I haven't heard anything negative from residents. I am supportive and am happy to see this.

David Nelms representing the Nelms family and Adventure Subaru: We have had unexpected success with the Subaru dealership. The facilities have allowed us to take the dealership and create something we never imagined. We are continuing to limit our impact on the neighborhoods by using LED lighting. We feel like we need to free up our old facility on College and get it out here where we have our facility. It'll make our operation easier to manage. We ask for your support.

Alderman Petty: I'm wondering why you went with one of our new form based codes instead of one of the old conventional codes.

David Nelms: The site with the circulation around it, with all the roads, seems to lend itself to the form based. The type of development for our vision is consistent with the form based.

Alderman Tennant: I'd like to thank the Nelms family for being here. I fully trust they are going to make the best use of this land.

Alderman Petty: I asked that question because I wanted to hear why someone actually building in Fayetteville would make that decision. It's important to recognize what we heard. It's important when we see these form based codes come through that we realize that more often than not the entitlement process is easier getting it through council.

Alderman Long 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 Petty 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 5589 as recorded in the office of the City Clerk.

RZN 13-4369 (4253 N. Crossover Rd./Vista Health): An ordinance rezoning that property described in rezoning petition RZN 13-4369, for approximately 9.58 acres, located at 4253 North Crossover Road from R-O, Residential-Office and C-1, Neighborhood Commercial, to P-1, Institutional.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

Alderman Tennant: Alderman Schoppmeyer nor myself have had any negative comments about this from our ward.

Gary Cooper with Cooper Consultants, engineer on the project stated he was here for any questions on the project.

Alderman Tennant 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 Petty was absent during the vote.

City Attorney Kit Williams read the ordinance.

Alderman Tennant moved to suspend the rules and go to the third and final reading. Alderman Long 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.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Petty was absent during the vote.

Ordinance 5590 as recorded in the office of the City Clerk.

Amend §33.046 and §33.050: An ordinance amending §33.046 Providing Fire Protection Services Outside the City and §33.050 Response to Hazardous Materials Incidents of the Code of Fayetteville to modify Interlocal in mutual-aid provisions and to increase rates charged for fire protection, search and rescue and hazardous materials response services.

City Attorney Kit Williams read the ordinance.

Fire Chief Dayringer gave a brief description of the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Adams: We learned in packets the cost of a fire engine was $225,000 in 1990 and now it was $460,000. I appreciate your good work. I was on the trails when there was an accident and saw the professional manner of our fire department. Thank you for keeping the cost down for as long as you could.

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

Ordinance 5591 as recorded in the office of the City Clerk.

Old Post Office Patio Lease: A resolution to approve a five year lease of the patio adjoining the Old Post Office to the purchaser of the Old Post Office, Jim Huson.

Kit Williams: After the agenda session and after Mr. Huson received a copy of the proposed lease, he had a few changes that he wanted to make. I agreed to present these changes, and did so

through a memo on May 31st. It was emailed to all council members. (Kit Williams then read the changes as listed in the memo.)

Jim Huson: We met and changed a few items. I'm asking the council to approve that. I don't know exactly where we are going with that piece of property, I know of two or three things that we are looking at doing. Either way we go, it's a fit for the square and the patio.

Alderman Marsh: How big is the patio area in question?

Jim Huson: 1,200 or 1,400 square feet.

Kit Williams: It's 1,676 square feet. Some of that is taken up by the walls.

Alderman Marsh: I question how livable it is downtown when you have the regularly amplified music.

Jim Huson: Well five or six weekends, I wouldn't call that regular. I would call that we are glad to have 70,000 people having a good time and spending money. We don't know who's going to be in there. There may not be amplified music, so let's don't create a restriction on something that really doesn't need to be restricted at this point. If there's a problem, we could always come back to it at that time.

Kit Williams: If you all agree to allow that, it still has to go to the Planning Commission. This is for five or six days a year. They also have to follow our noise ordinance.

Alderman Long: I had an email today from a constituent concerned about the city leasing out the patio for an entity that would allow smoking. How would you feel about that?

Jim Huson: I don't think you should penalize that building and that patio because there's not another patio in town where you can't smoke. There's not another activity here on the square where you can't smoke. I'd rather see the people smoking on the patio where you can clean it up than up front and throwing them on the ground. I don't think it should be restricted.

Alderman Gray: We do have decibel levels anyway right?

Mayor Jordan: Right, you have to be within the confine of that for sure.

Jim Huson: We had a patio at Doe's, when we first opened, and we didn't have live music in the two or three years it operated. That's not a big deal one way or the other.

Aubrey Shepherd: I'm not sure I understood what the amendment was.

Alderman Kinion: I would like to offer the amendment. I think it is reasonable. The amendments were amplified music, assign tenant and change the lease to their LLC.

Aubrey Shepherd: I hope they move Doe's there.

Alderman Marsh: I can't support the amplified music. On a patio that size, it's a great size for non-amplified music.

Alderman Kinion moved to amend the resolution to the new information handed out. Alderman Petty seconded the motion. Upon roll call the motion passed 7-1. Alderman Marsh voting no.

Alderman Petty: Are we talking about everything that is up the steps on the south side?

Kit Williams: No, it's everything within the walled area.

Alderman Petty: So you can't see that from the street?

Kit Williams: No. It's not everything up the steps at all. A lot of that remains our square gardens. There is a fence around the patio area.

Mayor Jordan: It's a fenced in area and you've got to get inside the place to actually see it.

Alderman Petty: I guess I'm confused why we own it.

Kit Williams: When the Bumpass family purchased the old post office itself, they only purchased the footprint of the building. They had easements on sidewalks going into the building and one easement from East Street. All the land beyond that was either transferred to the city or somehow the city acquired it and we've owned it ever since.

Alderman Petty: I get that. But, the patio itself, that hasn't been used since a restaurant vacated the building, right?

Kit Williams: It's been used but not much by the city at all. It's been pretty much vacant.

Jim Huson: There's locked gates on both ends.

Kit Williams: Since the gate is on our property, we could open it. When it is leased they have to maintain that had to build a fence to serve alcohol out there.

Alderman Petty: Don't you have any concern with signing a lease with an entity that doesn't own the building yet?

Kit Williams: I don't. It's not going to be useful to them if they don't have access to the building.

Jim Huson: I have no reason whatsoever to believe that this deal won't go through. We close on it on the morning of the 14th. If you want to redo the lease and date it on the 15th it doesn't make me any difference. If we don't get the building, I'll void the lease myself.

Alderman Petty: I'm not going to vote for the lease and it's not because I have a problem with Mr. Huson using the patio, I think that's right and proper. But, I think the lease itself is the wrong way to do it. We haven't used the patio in forever. We should sell it to the building owner.

Kit Williams: I own a house next door to where I live and I don't like to be a landlord. I don't like that hassle, but I like to know who my neighbor is. I think it's useful to the city to know and have control over that area around the square gardens. I think you're right in that we could get more money by selling it, but you lose the potential right to restrict outdoor music and other things you might not want.

Alderman Petty: I trust our noise ordinance. I think we should sell it to the building.

Mayor Jordan: If the council wishes to not lease it you are the landlords of that property

Alderman Long: I would like to see a business succeed there on our square. If this lease helps get that done, then that's what I think it is what we need to do.

Mayor Jordan: We have been trying to develop the square business there. This is one of the areas that have really improved in the city.

Alderman Marsh: I can think of businesses that I wouldn't want on the square, for instance a gentlemen's club. I think it is appropriate that we have some control over our square. I have received comments from constitutes that the patio be smoke free. It is our responsibility to protect the health and safety of workers. It would be nice to have a smoke free patio in our downtown area.

Alderman Long: If they serve food on the patio can they allow smoking?

City Attorney Kit Williams: Yes. We are preempted by state law for out door air pollution. That is why our smoking ordinance relates only to indoor areas. We as a landlord would have the right to not allow smoking on the patio in the lease.

Jim Huson: I can't understand why somebody that's trying to bring life to a three year old dead horse that's been laying out here doing nothing, that you'd want to put any undo restrictions on 1,600 square feet when you can do it at every other activity on the square.

Alderman Kinion: My concern is that it would push the smokers to the benches on the square. Then it would become our problem to clean up the butts and to deal with the public nuisance.

Mayor Jordan: On the Dickson Street area, we have patios that we allow smoking on?

Kit Williams: Yes. We do not have the power to regulate outdoor air pollution.

Alderman Tennant: I agree with what Alderman Kinion just said. It is my opinion that any restaurant, that goes in there and allows smoking on their patio, wouldn't last very long. More

and more people will come if it is smoke free. I think the market dictates it and we should let the market have a little say.

Alderman Gray: I agree. When you are outside like this, it is entirely different. I agree we don't want to put restrictions on this dead horse.

Jim Huson: We are going to make a nice place here on the square.

Alderman Petty read a quote about being in close proximity of second hand smoke.

Alderman Marsh moved to amend the resolution to not allow smoking on this patio. Alderman Petty seconded the motion. Upon roll call the motion failed 2-6. Alderman Marsh and Petty voting yes. Alderman Tennant, Schoppmeyer, Adams, Long, Gray and Kinion voting no.

Alderman Gray moved to approve the resolution. Alderman Long seconded the motion. Upon roll call the resolution passed 6-2. Alderman Tennant, Schoppmeyer, Adams, Long, Gray and Kinion voting yes. Alderman Marsh and Petty voting no.

Resolution 130-13 as recorded in the office of the City Clerk.

Industrial Park Land Sale: A resolution to request that the administration negotiate a land sale agreement to convey about 14.9 acres to a bioscience company planning to build a facility in the Industrial Park.

Kit Williams: There is going to be a public hearing on that. Jeremy, you have given the proper notices as required by the ordinance?

Jeremy Pate: That's correct.

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

Kit Williams: On our code, there are a couple things that the council must find. One is whether or not this property is properly zoned or should be rezoned prior to any sale.

David Jurgens: This land is zoned industrial which is appropriate for this site.

Kit Williams: The second one is whether or not we don't actually need this property for corporate purposes at this time.

David Jurgens: We do not need this property for corporate purposes at this time.

Don Marr: The funds for the land sale go to the Water and Sewer Fund.

Steve Clark, president of The Fayetteville Chamber: We strongly support the proposal for the reason that these are home grown jobs developed by home grown people.

Aubrey Shepherd: This is an area that is utilized by bird watchers, equestrians, wild flower photography and so forth. Part of this land needs to be set aside to keep the natural soil. Encourage native plants on it.

Elizabeth Tadborn McKee: I've lived in this area for 36 years. I've been able to ride horses and have a lot of nice things there because I have 22 acres of my own. I'm not opposed to the kind of industry I believe this is. I want to ask you to keep some things in mind. The St. Paul Trail is an equestrian trail, Fayetteville's only equestrian trial. I'm worried how this will affect the value of my property.

Alderman Kinion: Jeremy, when you look at the St. Paul Trail here, it's still going to be owned by the city. It'll be utilized as an equestrian trail.

Jeremy Pate: I'm not familiar with where the equestrian trail route is. But it's along the St. Paul Trial, and that's correct, it's not being sold.

Alderman Kinion: I hope we can maintain that as an equestrian trail.

Alderman Marsh: Is there a company representative here?

Chris Pixley, representative for Pacific Vets group: I'd be happy to answer any questions that you all might have.

Alderman Marsh: I'm really excited about this coming to our commerce district. I also think the neighborhood has a really good point. Could you elaborate a little more on how you intend to landscape this site and litigate water and if there are any sustainability practices you are going to incorporate.

Chris Pixley: The plan you see is a not a final plan. Our corporate ethic essentially is to maintain as natural as possible the existing trees and landscape. There are areas where that is not possible or favorable. Specific details are hard to come by, we haven't designed the building and we don't know the exact layout.

Alderman Marsh: Your site plan does reflect a pretty good compatibility with the existing landscape in terms of where you have masked the buildings.

Don Marr: I think it's important to note that what we are looking at today is the contract of the land sale, many of the items (lighting, run-off management, buffer landscaping) are all items that are part of the development review process that staff would be very heavily involved in.

Alderman Petty: I too appreciated the plan and the thoroughness of our staff and economic development team. I was wondering if you would agree tonight to plant trees next to the road frontage.

Chris Pixley: I am not personally able to commit to that right now.

Kit Williams: I should note that the resolution before the city council is the request for the administration to negotiate a land sale agreement.

Don Marr: This is a competitive economic development offer in which there was a decision by the company to decide between a State of Missouri location and State of Arkansas location. In order to accept the package from the state, the property is a critical component of that.

Alderman Long moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the motion passed unanimously.

Resolution 131-13 as recorded in the office of the City Clerk.

City Council Budget Adjustment: A resolution approving a budget adjustment in the total amount of $10,200.00 to provide additional travel and training funding for members of the City Council.

Mayor Jordan gave a brief description of the resolution.

Don Marr: We think it's important for staff and elected officials to be knowledgeable in things you are making decisions on.

Alderman Gray: I appreciate this very much. When I'm at municipal league, I've visited with several folks who say they can't be at the next meeting because of no money.

Kit Williams: I think it's a good investment.

Alderman Tennant moved to approve the resolution. Alderman Schoppmeyer seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 132-13 as recorded in the office of the City Clerk.

City Council Agenda Session Presentations:

Maylon Rice, Library Board – One Book, One Community

City Council Tour:

June 24, 2013 5:30 p.m.
Tri Cycle Farms

Announcements:

Don Marr: We want to welcome all the Wal-Mart Shareholder's here to our community. Wilson Park pool opens this Friday with free admission beginning at 4:00 p.m. as well as the ribbon cutting of the youth tennis courts at Wilson Park. As the skies darken we will have our *Madagascar 3.* Admission is free for these events. The Wheeler Brothers Gulley Park concert has been rescheduled for July the 18th. Our next concert for the Gulley Park concert series is the Sarah Hughes band on June the 13th. We have had a change on a road closure on Fox Hunter Road and Church Hill Drive. It has been rescheduled for June 11th from 8 a.m. to noon. The Historic and Heritage Resource Action Group of Fayetteville Forward is meeting June the 5th at the Clinton House Museum at 5 p.m. On June 6th, the Fayetteville Forward Green Economy Group will be meeting at the Fayetteville Chamber of Commerce at 4 p.m. The Town and Gown Advisory Subcommittee Group B will meet on June 6th at 3:30 at Fire Station 1 in their conference room. Partners for Better Housing meets in Room 111 at 6 p.m. on June 6th.

Adjournment: 8:20 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer