

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



**City of Fayetteville Arkansas
City Council Meeting Minutes
September 03, 2013**

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

A meeting of the Fayetteville City Council was held on September 03, 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:

City Council Meeting Presentations, Reports and Discussion Items:

Agenda Additions: None

Consent:

Approval of the August 20, 2013 City Council meeting minutes.

Approved

2013 Community Development Block Grant: A resolution approving a budget adjustment in the total amount of \$46,209.00 recognizing a 2013 Community Development Block Grant revenue increase.

Resolution 182-13 as recorded in the office of the City Clerk

Transportation Department Message Sign: A resolution approving a budget adjustment in the amount of \$14,500.00 for the purchase of a portable changeable message sign for the Transportation Department.

Resolution 183-13 as recorded in the office of the City Clerk

What My Eyes Have Seen Photography: A resolution awarding RFP #13-12 and authorizing a contract with What My Eyes Have Seen Photography for the provision of Parks and Recreation Department youth soccer and softball team and individual photographs.

Resolution 184-13 as recorded in the office of the City Clerk

Planet Footprint Utility Bill Management Software: A resolution approving a budget adjustment in the total amount of \$1,987.00 to allow purchase of Planet Footprint Utility Bill Management Software.

Resolution 185-13 as recorded in the office of the City Clerk

Bid #13-36 Mahoney's Equipment, LLC: A resolution awarding Bid #13-36 and authorizing the purchase of one (1) 3T Equipment Prowler Easement Machine with Doolittle Trailer from Mahoney's Equipment, LLC of Arnold, Missouri in the amount of \$48,536.00 for use by the Water and Sewer Division, and approving a budget adjustment.

Resolution 186-13 as recorded in the office of the City Clerk

Ozark Regional Transit Bench and Transit Shelter Pads: A resolution approving a memorandum of understanding with Ozark Regional Transit as a sub-grantee for a Federal Transit Administration Grant in the amount of \$154,315.08 to fund bench and transit shelter pads and sidewalks, and approving a budget adjustment.

Resolution 187-13 as recorded in the office of the City Clerk

Alderman Tennant moved to approve the Consent Agenda as read. Alderman Long seconded the motion. Upon roll call the motion passed unanimously 8-0.

Unfinished Business:

RZN 13-4410 (2468 N. Crossover Rd./Lynnwood Estates): An ordinance rezoning that property described in rezoning petition RZN 13-4410, for approximately 4.66 acres located at

2468 North Crossover Road from RSF-2, Residential Single-Family, 2 units per acre, to NS, Neighborhood Services subject to a Bill of Assurance. ***This ordinance was left on the First Reading at the August 6, 2013 City Council meeting. This ordinance was left on the Second Reading at the August 20, 2013 City Council meeting.***

Alderman Tennant 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.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance and stated that staff does not support the Neighborhood Services rezoning.

Ben Israel, 1501 Starr Drive spoke in favor of the ordinance.

Dennis Bailey spoke in opposition of the ordinance.

Alderman Tennant: Will there be a median cut in front of your house? If you have to go to Springdale, how will you get there?

Dennis Bailey: I will have to go right to Township and either turn left and take Candlewood or go right on Township and go to Old Missouri Road. There is no other way to go once the Highway Department closes that.

Paul Henry, 2885 East Township spoke in opposition of the ordinance.

John Waltz, President Candlewood Subdivision spoke in opposition of the ordinance.

Katy Cushman, 2401 North Covington Park Boulevard spoke in opposition of the ordinance.

Andrea Klaus, 2649 Firewood Drive in Candlewood spoke in opposition of the ordinance.

Leslie Cameron, 2733 East Mockernut spoke in opposition of the ordinance.

Jerry Jones, 2468 North Crossover Road owner of the property spoke in favor of the ordinance. This ordinance was not intended to hurt anyone. The Planning Commission supported this. There is nothing that would be placed on the property that would be detrimental to Fayetteville.

Alderman Long: Mr. Israel mentioned that this did match the 2030 Plan and Jeremy you said it did not match the 2030 Plan.

Jeremy Pate: To clarify that comment, the City Plan 2030 and Future Land Use Map which is adopted as a singular document is not an ordinance. It is a resolution adopted as policy by the council about how you view future land use development within the city. It is one tool utilized in zoning. You look at compatibility and traffic and a number of factors as part of any rezoning

request. It is a matter of opinion at times. The Planning Commission sometimes disagrees with staff as does the City Council. Staff does not agree that it complies with the City Plan 2030. In terms of the R-O zoning the Planning Commission disagreed with a 6-1 vote and they made that recommendation to you. You have a split recommendation from staff and the Planning Commission.

Alderman Petty made a brief statement why he approached the applicant to rezone to Neighborhood Services instead of Residential Office. He stated that he felt it was a good middle ground and that Township and Crossover should be a site for smaller scale nodule development.

Alderman Tennant: I don't like telling a land owner that he or she can't sell his property the way he wants to sell it as a taxpaying citizen. This landowner has done everything that he can to get this done. I have always talked about not overturning our commissions and committees. They put their effort into talking about a situation and who are we to over turn a decision. The fact of the matter is that the Planning Commission got this decision wrong. I watched the tape and they seemed to rush through their decision making. The statement that Jeremy made about the 2030 Plan is correct. It is a guiding item that we have, but it is not an ordinance.

The idea of nodes is a great example of Highway 265 and how it should stay. We need to keep the character of Highway 265. It doesn't have to become a commercial pocket lined street. It could become North College if we aren't careful. We need to create walkable areas. If this promoted a walkable place then I might change my mind. We do not have to rezone this.

Alderman Schoppmeyer: I am in agreement with Alderman Tennant and disappointed that this has come this far. When we made a site visit there was no doubt in my mind that it would be a bad idea to rezone. I also believe the Planning Commission got it wrong. This is about the safety of young children going to school everyday with a lot of traffic and I don't think we need to increase the burden for those children.

Alderman Marsh: This has been a difficult decision for me as a proponent of density and mixed use development. I would have never supported the Residential Office designation, but I was a little more attracted to Neighborhood Services. I thought it would be more conducive to creating a walkable neighborhood by permitting such uses as a coffee shop, daycare or a corner store but the Bill of Assurance prohibits all those things. I couldn't envision anything I would like to see there. I don't think development along that strip is inevitable.

Alderman Kinion: Looking at the historical activity in some of the older sections of town you can see what type of pressure comes into neighborhoods when you have the encroachment of a commercial rezoning. I see a well established neighborhood that has an identity, community and heart. They know what they want in their neighborhood and they want to protect it. This neighborhood expects this to be residential as it was residential when they purchased their homes in this area.

Alderman Gray: I live in this area and we do not need to do anything to increase traffic. I have a concern about all the empty store fronts in the area right now that could be used for exactly the thing Mr. Jones is saying he would like to put on that property. It doesn't seem like that is a very

wise decision to put in more businesses when we have open store fronts presently. I like to say if I don't own it I can't control it. This is different. There are established homes in that area and they have asked that we respect their wishes and keep this neighborhood.

Alderman Adams: I would have liked to see the applicant bring forth a PZD. This neighborhood seems to be a very knowledgeable and reasonable and I think they would have listened. We need a very compelling reason to change zonings because zonings are in place to protect people who bought their property with some assurances in place.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance failed 1-7. Alderman Petty voting yes Aldermen Kinion, Tennant, Schoppmeyer, Adams, Long, Gray and Marsh voting no.

This ordinance failed.

New Business:

§72.73 Regulation of Wheel Clamps or Booting: An ordinance to enact **§72.73 Regulation of Wheel Clamps or Booting on private pay to park lots within the Entertainment District Parking Zone and the Downtown Business Parking District Zone** into the Fayetteville code.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: Mayor, as you know this has been a long time coming. We have struggled with problems on the private pay to park lots in the entertainment district for many years. The initial problems had to do with towing. The legislators had to enact a couple of different laws. One of them was sponsored by Lindsley Smith when she was down there. They gave us the power to enact nonconsensual towing regulations, which the City Council did and basically solved most of the problems we had with towing. Before this not only would people be facing a \$100 or more fee for a nonconsensual tow off these private pay to park lots but often times the car would end up in a place as far away as Pea Ridge. They would not only have to pay the towing cost but the extra cost for towing to a distant location and storage. There were many problems.

That was resolved a few years ago by regulating towing in the district. Then the private pay to park lots turned to wheel clamping. They need some way to enforce parking. They can not write tickets like the city can. The problem with wheel clamps is they were charging people over \$100 to remove the wheel clamps and there was a problem with the signs not being adequate to properly warn the parkers about what would happen. I don't think any of the signs ever mentioned that the wheel clamping removal fee was going to be \$100. City administration under Mayor Lioneld Jordan asked our representatives for help so we could have authority under state law to regulate wheel clamps. This last year members of our delegation helped to get this statute passed, which has just become effective. It gives us the power to regulation wheel clamps.

I prepared a new section of our code to do that. The Ordinance Review Committee heard this and felt like there was one pay to park lot that was not being covered, it is in the downtown business parking district so the Ordinance Review Committee wanted it extended to cover that lot. That lot has had several complaints. This ordinance would limit the fee to \$40. There has been some question as to how I came up with the \$40 that I recommended. When we did the towing ordinance limiting the towing fees we actually did a survey of towing companies and what they charge for nonconsensual tows, and the general amount they charge was in the \$45 to \$50 range. We felt like it may be more difficult with the nonconsensual tow so we said \$60 would be fair. We do not want to try to put anyone out of business but we want to be fair to visitors also. When I looked at \$60 for the nonconsensual limitation fee it takes much less capital or time to put a wheel clamp on and take a wheel clamp off than to call a tow truck and tow that vehicle. It requires more capital by the company if they tow. It tracks with our pay to park lots. If someone over parks in our pay to park lots it is a \$15 fine however if they do not pay the fine then a warrant fee can be added to that which is another \$25 so that their fee would be \$40 if they do not pay on time. I feel this is a fair amount but it is up to the City Council to determine what you feel is a proper amount. The Ordinance Review Committee made some other recommendations requiring ID's and uniforms for the employees. We also put a time limit in for the wheel clamp employees to respond and have the wheel clamps off.

David Jurgens, Utilities Director: The majority of complaints that we receive about parking in our Entertainment District relate to booting in non city owned parking lots. We receive very few complaints about city owned lots and how they are managed, but we receive weekly complaints about booting lots. The majority of the complaints are regarding lots in the entertainment district. We have received complaints about the lot on Mountain Street as well.

Don Marr, Chief of Staff: We gave you a sampling of the complaints. This is not only the documented ones; these are ones that give you an idea of the things that have been brought to our attention that are representative of many more complaints. We have many emails like this. One criticism that we are trying to resolve, as it relates to the city lots, is signage that is clear stating it is a city operated lot that doesn't tow or boot. This list is a representation of the kinds of things we hear complaints about.

City Attorney Kit Williams: One of the most important parts of the ordinance is that we require a specific sign that says private pay to park lot. It states if you over park your car can be booted and charged up to \$40.

Alderman Long: One thing that wasn't included in the ordinance that was discussed at the Ordinance Review Committee is that the Ordinance Review Committee would like to add background checks to the ordinance. People who have their cars booted at 2 a.m. need to know that the person coming to remove the boot is not a person who could cause them harm.

City Attorney Kit Williams: Did you want that identical with the solicitation ordinance. I have that prepared under subsection G, which will be adding a new G.

Alderman Long: That was the intent.

City Attorney Kit Williams: The reason I did not include that in my proposal is we have no such requirements for tow companies now. I felt people that come to your door created a more dangerous situation than people coming to your car in a parking lot.

Don Marr: We would like section G to state "provided to the parking department." Planning has nothing to do with this item.

Alderman Long: At the Ordinance Review Committee meeting we discussed reviewing the towing ordinance in order to make the booting and towing ordinance match more closely. People get in a taxi cab on their own free will, they are not being booted consensually. I move we add background checks for people removing the booting and add it to the jurisdiction of the Parking Division.

Alderman Petty: I think it is a fine idea and the reasons are obvious. I won't be able to support it unless it includes an exemption for nonviolent offenders. I don't think people with a boot on their car have anything to fear from someone who's committed a nonviolent offense. Anyone that is making an honest effort in that circumstance to correct the wrongs they have done in the past deserves a second chance.

Alderman Long: That was the discussion at the Ordinance Review Committee. It was nonviolent offenders. I should have clarified that.

Alderman Petty: The language that was discussed and presented says anyone who has committed any felony.

Alderman Marsh: I would be okay with removing the word theft. My primary concern is that if I leave an establishment at closing time and there is someone with a sexual offense holding my car hostage with a boot that is a situation that nobody wants to find themselves in.

Alderman Petty: We need clarification from the City Attorney because I read that as any felonies or any misdemeanors.

City Attorney Kit Williams: That is exactly correct.

Alderman Petty: I think people who have committed a theft shouldn't be in this position.

A discussion followed about the proposed amendment. After discussion Alderman Long revised his motion to add, a person that has not been convicted of felonies or misdemeanors involving sexual offenses or violence.

Alderman Long moved to amend the ordinance to require a background check for the person removing the boot at the expense of the company that is doing the booting and add it to the jurisdiction of the Parking Department. No background check will be required for a person that has not been convicted of felonies or misdemeanors involving sexual offenses or violence. Alderman Marsh seconded the motion. Upon roll call the motion passed 8-0.

Pam Christian, Hawkeye Parking Enforcement: We monitor the east square, Depot and Campus Bookstore lots. We have uniforms and name tags for our employees. The newspaper and the media have been reporting that people have to pay with cash only and that is incorrect. We take cash, debit or credit and citizens get receipts with the company name and address on the receipt.

I know there are complaints. We get complained to every night and day that we work. In the Depot lot there are 154 parking spaces and there are 41 no free parking signs that state your vehicle will be booted for a minimum fee of \$100. Every time we boot people they say they did not see the sign and they will be parked directly in front of the sign.

A lot of the confusion with these parking lots is there was a statement made on the news that parking was free until 2:00 so people think it is free in the private lots until 2:00 as well. The complaints that you get are from people that their cars have been booted and 99% of those people are people that did not pay to park. Very few of the people that get booted are ones that have expired. We actually give a grace period of 30 minutes to an hour. We know that special events happen on Dickson Street and I do not expect anyone to leave an event to come and renew parking.

There are two of us that do this and we are the only two that do it. I do it during the day and at night on the weekends. The other lady does it at night. You do not hear how we spend 45 minutes standing at the pay booth helping people trying to pay or how people did not get booted because they paid for the wrong spot. If someone gets booted and they can not come up with money that fine is reduced. When we boot a vehicle we are in that parking lot. Whatever you hear about how long it takes us to remove a boot is incorrect. We tell people about the city parking lot across the street when we are helping them pay at the booth so they have the option to go over there. When they pay the machine tells you your car will be booted if you do not pay or if your time expires. We respond to these people in less than three minutes. In the Campus Bookstore parking lot there are two large signs. There is no way you can not read these signs. If they have a problem paying in these lots then they have a problem paying for city parking as well. We run reports about every 30 minutes. Those reports tell us what spots are paid for and what time those spots expire. Once in a while the machine will tell us that a spot is not paid for when it has been paid for. When that person brings us the receipt showing that they paid, the boot is removed. As far as reducing the fine to \$40, you have just cost us our job because they pay us an hourly wage to be in these lots.

Alderman Kinion: It sounds like to me that you are already meeting a lot of the requirements and your bottom line is the booting fee being reduced to \$40.00?

Pam Christian: Yes, because if the fee is lowered to \$40.00 then I lose my job because they will not be able to pay us an hourly wage for us being out there as long as we are.

Alderman Kinion: It seems like it would cost more to tow than to boot. I am trying to determine the inequity and the profitability. What is a fair price? \$100.00 seems like a lot.

Pam Christian: I do not know who came up with those fees. On all the signs it says you will be booted and charged a minimum of \$100.

Alderman Kinion: I certainly don't want to see anyone lose their job or anyone put out of business. When you see a Better Business Bureau rating of F on a company and see hundreds of complaints then it is our responsibility to help manage the situation. \$100 is a lot.

Pam Christian: I agree. I would be angry if I got booted for \$100.00. Our company talked about \$70.00 or \$80.00.

Alderman Kinion: You have two employees? It sounds like there are some guys.

Pam Christian: There used to be but they have been let go.

Alderman Kinion: It is not our intent to put anyone out of business. Everyone has the opportunity to manage their private property, have profitability and to do the best they can with what they have. It sounds like you are meeting most of the criteria, but the biggest problem you have is restricting it to the \$40.00 fee.

Pam Christian: Yes sir.

Alderman Kinion: I may offer an amendment to increase it to \$60.00 to make it equitable with towing as a conciliatory measure, but it would be up to the City Council to discuss that.

Pam Christian: I understand that there have been complaints about the east square parking lot with \$100 fines. We do not even do the east square parking lot in the evening time. The only time that is done is during lunch time and that is a \$30 fee.

Alderman Kinion: I know someone that got an evening ticket there and they were charged \$100. I guess it has changed.

Pam Christian: It may have been when the gentlemen were there. We no longer do it because our boss does not want us over there by ourselves in the evening time.

Mayor Jordan: So you do not do it any more.

Pam Christian: No sir. We have not done it since I have been here. We do not boot east square when Farmers Market is going on. We do not want to discourage people from using that lot for Farmers Market.

Aldermen Kinion moved to amend the price to \$60.00. The motion failed for lack of a second.

Alderman Gray: Do we have just one company that boots?

Don Marr, Chief of Staff: We do not know who the individual private lots contract with. There isn't any requirement to notify the city.

David Jurgens: There is at least one privately owned lot on Dickson that was not mentioned by Ms. Christian and so it is possible that there is another company that covers the Dickson parking deck.

Alderman Adams: Did the owner of your company tell you that you would lose your job if the fee changed?

Pam Christian: No.

City Attorney Kit Williams: I should note for the City Council that private pay to park lots have two revenue sources. You would think their primary revenue source would actually be people who pay to park as well as the penalty part.

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 Gray 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.

Mayor Jordan: Years ago we did not have enabling legislation and citizens vehicles were being towed all the way to Pea Ridge. They would have to pay cash. I didn't think that was fair. We put a \$60.00 limit on towing thanks to the work of Lindsley Smith, City Attorney Kit Williams and the City Council at that time. Then the booting began and it was \$100.00 for every boot. I have received numerous complaints and it is always the same story, why is the city booting my car. I continuously said we do not tow unless the citizen is parked in an emergency parking space or across someone's driveway. We do not boot at all. We get hundreds of calls. We have to address booting as we did towing. I think the time has come and we have to take a position. I don't want to see anyone lose their job or go out of business, but I think the prices have been too steep and this needs to be addressed. It is not an easy task but something we need to do.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously 8-0.

Ordinance 5610 as recorded in the office of the City Clerk

Amend §72.70 Application of the Parking Regulations Chapter: An ordinance to amend §72.70 **Application of the Parking Regulations Chapter** of the Fayetteville Code to extend the application of Nonconsensual Towing Regulations for Private Pay to Park Lots to the Downtown Business District Parking Zone.

City Attorney Kit Williams read the ordinance.

Alderman Long gave a brief description of the ordinance.

City Attorney Kit Williams: I appreciate the comments from the Ordinance Review Committee. I had not realized we had so many problems with the other wheel clamp lot. If we are going to regulate wheel clamps, then we need to regulate non consensual towing. This extends the nonconsensual towing regulations only to the pay to park lots within the Downtown Business District which is where we have had problems.

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

City Attorney Kit Williams read the ordinance.

Mayor Jordan: I want to thank the Ordinance Review Committee for their work on these amendments.

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

Ordinance 5611 as recorded in the office of the City Clerk

§96.02 Unreasonable or Excessive Noise Prohibited: An ordinance to amend **§96.02 Unreasonable or Excessive Noise Prohibited; Exceptions** to restrict late night construction activity noises near residences.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. In unique situations we could issue a variance. This does not apply to public infrastructure projects. This is for private construction related projects. Staff is recommending approval.

Alderman Long: I would like to thank administration and staff for working on this. Kit, could we add an emergency clause to this?

Attorney Kit Williams: The problem with that is when you have a penalty provision, no fines can be enacted under an emergency clause. That is why I don't recommend this to have an emergency clause because of that restriction.

Alderman Marsh: I have worked in the construction field. There are times in the summer when the temperature exceeds 100 degrees where workers commonly start work at 5 a.m. in order to avoid the hazard of heat stroke. Will that still be possible?

Mayor Jordan: I brought that very point up with Jeremy.

Jeremy Pate: We did allow for that scenario. You do not have to prove a hardship for variance in these particular applications. We would factor in weather.

Alderman Tennant: It would be a case by case situation?

Mayor Jordan: Yes.

City Attorney Kit Williams: It is in section 96.07, the permit for variance, and it is the same thing the Mayor has been doing to allow the AMP to sometimes exceed the noise ordinance. I believe some of the construction activity will be just as important.

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

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously 8-0.

Ordinance 5612 as recorded in the office of the City Clerk

§94.06 Flammable and Combustible Liquids: An ordinance amending **Section 94.06 Flammable and Combustible Liquids; Liquefied Petroleum Gases** of the Code of Fayetteville to permit above-ground propane and natural gas tanks for the exclusive purpose of fueling vehicles.

City Attorney Kit Williams read the ordinance.

Terry Gulley, Transportation Services Director gave a brief description of the ordinance.

Alderman Adams: This was presented at the Equipment Committee and it looked like a great deal. I appreciate staff being so careful with our public dollars and looking at ways to save.

Alderman Marsh: I want to commend Fleet and Transportation for the presentation that was made to the Environmental Action Committee about the propane pilot program. It is a great example how we can save money by investing in energy efficiency. We are seeing as little as a two year pay back period on some of these investments.

Alderman Adams 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.

Jeremy Pate: When I was reading through this particular ordinance there was a requirement within Chapter 94, which is the fire prevention code that all above ground storage fueling tanks goes through a large scale development. We do not know why that is part of the code and we do not think it is necessary. In my ten years here I have seen one of those come through for a tank at the Airport for fueling planes. It caused a lot of confusion for the Planning Commission as to why they were reviewing it because there are no standards for them to review for these types of developments. I am asking you to consider removing the requirement for large scale development from Chapter 94. It does not remove any of the standards by which the Fire Marshall reviews these applications on any of these storage tanks.

Attorney Kit Williams: Rather than trying to amend it now, I would rather pass this and bring that forward at the next meeting to be repealed. I agree with Mr. Pate that we don't need it.

Alderman Long 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: I would like to thank the staff. This is going to save us a lot on energy and I am pleased with this.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously 8-0.

Ordinance 5613 as recorded in the office of the City Clerk

Revolving Fund for Interdepartmental Resource Efficiency Loans: A resolution to request the Fayetteville City Administration to investigate the feasibility and potential operational benefits of establishing a Revolving Fund for Interdepartmental Resource Efficiency Loans.

Alderman Petty and Alderman Marsh gave a brief description of the resolution.

Alderman Gray: When we had one of our budget talks earlier, I think this came forth as one of those things that were on our wish list.

Mayor Jordan: I think what is being asked of us is a resolution to study the feasibility. We are not committing any money right now until we look at it. It is like any other resolution, staff will look at it and bring you back some sort of plan and you can vote it in or vote it out.

Alderman Gray: I think it sounds great and what L'Oreal and Maybelline in Little Rock have done sounds fantastic. I want us to be careful about asking our staff to study too many things. It was an excellent move to hire our sustainability coordinator. I believe we are already doing some great things. I hope we don't overload our staff in studies.

Mayor Jordan: That is a point well taken Adella.

Alderman Petty: I also believe that is a point well taken. One of the reasons I think this is so important to do is when you look at the list of potential projects that we have, they really do run the gambit. There are projects that only benefit one ward or a pet project of a particular alderman and they campaigned on it and got elected on it. There are rare projects, ones that really stand out that benefit the entire city and save us money in the long run and this is one of those. This could give us the ability to pay for other projects on the list and that is something most of the projects on that list can't claim. You have to spend money to make money sometimes. If we can identify projects that save us money even if we have to contract the services out because we don't have the staff to get it done, I think that is fine if we are saving money in the long run.

Don Marr: I would like to make a comment from the staff perspective on this. We are supportive of this resolution. We are currently in the process of evaluating the HEAL Program that L'Oreal and the City of Little Rock did. We hope to bring something to the council as part of the budget discussion.

It is in line with our other practices of Lean Government Assessment. In many ways in talking with the staff that I work with regularly, we wish we had this in place because we have done a lot of these things that have created efficiencies and maybe not captured it in the detail to keep this running in total of numbers. We have done this through technology investments; we have been able to take online payments. This isn't an energy focus, but I am using it as an example that by investing in the technology and the programming to do that, we now collect over a half million dollars in our utilities online where before people that walked through required labor handling to do that.

We did LED lighting in our trails and we have a very specific example of having a bill that was reduced 90% on an actual utility bill. We think this is a good thing for us to look at and obviously for us what is important is the payback period because anything can have a payback. We are focused on short payback periods. We will look for your judgment as we continue to assess this is making sure we have the talent to do good assessments, because some of this requires some engineering analytical work that I'm not sure we have all those competencies today. We will need to prioritize the areas we identify. I'm guessing we will have more opportunity than we are going to have money.

Alderman Petty: There are multiple models of doing this and we talked about the HEAL Model. The simple way to do this is for the Mayor to order it to be done on all the division

managers' budgets. If we do the HEAL Model and we can get other industry leaders in Fayetteville to do it with us. With L'Oreal the average family was saving \$416 a year. If you have a 1000 families saving \$416 year, that is a \$416,000 economic impact to this community. Most of that money is going to be more local than it was whenever it was going out to the energy companies. To put that into perspective, that is about the equivalent to one high end retail business on the square. This isn't just about saving money at the city. If we can do the HEAL Model, saving money at the city is a bare minimum. The real opportunity is helping working families and the economy of our city.

Alderman Long: Alderman Marsh and Petty I would like to thank you for bringing this forward. I have read the studies and this works. I think the timing for bringing this forward is impeccable. We need to know if the city can afford to do this when we talk about the budget.

Alderman Adams: As far as a timeline, do you think staff will have some recommendations by the time we do our budget?

Alderman Petty: Not necessarily. I would expect not.

Alderman Petty moved to approve the resolution. Alderman Adams seconded the motion. Upon roll call the motion passed unanimously 8-0.

Resolution 188-13 as recorded in the office of the City Clerk

Fayetteville Animal Shelter Funding: A resolution to place within the 2014 Budget \$60,200.00 to provide funding for various improvements to the Fayetteville Animal Shelter.

Alderman Long gave a brief description of the resolution.

Alderman Kinion: I appreciate this coming from the Animal Services Committee, but I don't want it to set a precedent to start our budget process prematurely and maybe offer the perception that we are earmarking money in advance to our total budget review. I will support this because I know it is needed. This is a resolution, their wish list, their ideas, their visions and they are good. We can get out of control asking with these requests in advance to a total budget analysis whenever we are going forward in a couple of weeks with our budget. I wanted to voice my concern with requesting funds that may seemingly be earmarked and may not come to fruition once we get to the budget process. We have to look at the budget process as a whole.

Alderman Long: The reason I took it to Animal Services when I did is because I have accepted a new job and will be involved in job training for the next three months and I may not be here when this is discussed at budget time. I thought it was important that I do my due diligence in bringing it to the council now.

Alderman Petty: I do think you have done your due diligence on this, but in essence I see this as an attempt to get something in the budget before we have seen the budget. I very well may vote for a budget that contains this, but I won't be able to make that decision until I have seen the

rest of the budget. This is true of all projects and I am not singling this out. This is the first time I can remember where we have seen the council be asked to put something in the budget before we started budget talks. Our number one duty is our fiduciary responsibilities of the city and that is our statutory duty. I feel that if I were to vote for this before I see the budget I would be neglecting that responsibility. My preference is that we table this indefinitely and have the discussion when the budget talks start. I appreciate the research and I will be weighing all that whenever I see the full budget. I would move to table this indefinitely.

Alderman Long: My job is going to be flying me back here for each City Council meeting and that will be the schedule through an indefinite period of time for at least three to six months. I would greatly appreciate you not tabling this.

Alderman Tennant: I was out of town on business last week so I totally understand when you are flying back and forth all over the country or world. Are we changing our budget process? I brought a bunch of things that I would like to put in the budget so maybe I should make an amendment to this and start adding stuff. I know that is not our process.

Mayor Jordan: I have been in discussions with Chief of Staff and Paul Becker and we were intending on bringing improvements forward during the budget session. Alderman Long wanted to bring forward a resolution before he had to leave town.

Alderman Tennant: I think it is more prudent to table it than to put legislation forward that sets precedence.

Alderman Adams: I may support this down the road but I do not want to see us pull things out. We have all been in meetings where needs are talked about. As important as the Animal Shelter is we do not know everything that is coming up. I would like to see this tabled until we have a discussion as a group during the budget process. We could go into budget conversations now I guess.

Alderman Long: This is just a resolution. If everything does not come to fruition it does not come to fruition. Just previous to this \$60,000 request was a resolution for \$500,000 that was on the agenda and may not come to fruition. This does not make sense to me.

Alderman Marsh: I would like to commend Alderman Long for bringing this to our attention. The Animal Shelter is desperately in need of these items. They have done a lot of work to increase their adoption rate and reduce the kill rate. They need to equipment to help them do a better job. It is an important need that we have to address.

Alderman Petty moved to table the resolution indefinitely. Alderman Adams seconded the motion. Upon roll call the motion passed 7-1. Alderman Long voting no.

Fayetteville Government Channel's Mission Statement Amendment: A resolution amending the Fayetteville Government Channel's Mission Statement, Goals Statement and Operating Policies, as approved by Resolution No. 180-10, to prohibit the recording or televising of

meetings of the Nominating Committee of the City Council by the Fayetteville Government Channel.

Alderman Gray: As chairman of the Nominating Committee, I at first was open to the idea of recording. The more I have thought about it and talked to others about it and sat in the interview session last Wednesday night that was recorded, I saw the discomfort with several of the applicants. One of the things I was interested in finding out was why we have never recorded the Nominating Committee and it is real obvious to me now why we never have. It is the only time that we ask citizens to be in the "hot seat." They have personal questions that we ask them and that term comes up several times every time we have an interview session. It is obvious to me why this committee has been exempt from this resolution through the years and I think it needs to stay that way.

I would like our City Attorney to clarify for us if this is a resolution or an ordinance. I have always been told that resolutions didn't carry much weight. The City Attorney explained that there is a difference between resolution and resolution of intent.

City Attorney Kit Williams: There is a difference between an ordinance and a resolution. An ordinance must be read publicly three times or must suspend the rules if we don't have it at three meetings. An ordinance is a law like when you amend the code and it is permanent.

A resolution can be either powerful or not very powerful. A resolution can approve million dollar contracts and I would say that is a very powerful resolution. You can have a resolution of intent which is basically the City Council expressing its intent, therefore not having any real operable effect. Resolutions are powerful and can make real change like approving big contracts or in this particular case the original mission statement, goals and operating policies of the Fayetteville Government Channel were adopted by a resolution.

To modify an ordinance you must have an ordinance, but to modify a resolution, you can do that by resolution. Ordinances are a little bit higher up in the power area. It does not mean resolutions are not powerful or effective. That is the primary way the City Council operates. You pass a lot more resolutions than ordinances. Every contract, if you are not waiving competitive bidding, is by resolution. One resolution can be amended by a later resolution. A previous City Council can't bind the hands of a future City Council. Just because a resolution was passed in the past does not mean it can not be amended in the future in most cases. A resolution that authorizes the Mayor to sign a contract can't be undone because the contract has been signed and contractual rights are done. Resolutions adopting policies can always be amended in the future.

Alderman Tennant: When someone wants to work for the city and they come in for an interview, do we film those?

Don Marr: No, we do not.

Alderman Tennant: Are there Human Resource laws against it?

Kit Williams: The Freedom of Information Act says that one of the rare exceptions for having something that's always open in the public is that you can have Executive Session for a personnel matter. The personnel matter deals with an employee such as hiring and firing. The City Council could in fact go into Executive Session where it would be only you and the employee, and maybe the supervisor. I don't get to go in and the press can't go in. The employee's rights are protected by having the City Council to have the ability to go in to Executive Session.

Alderman Petty: Is there a difference between an appointment and a hiring?

Kit Williams: There can be. The Freedom of Information Act talks about city officials as well as employees. My interpretation is that is not a volunteer to a citizen committee. Therefore the Freedom of Information Act would not allow the Nominating Committee to close their meetings or to go into Executive Session because these are citizen volunteers. It is very similar in many ways to a job applicant. This is just an applicant saying I would like to be on this committee and I will work for free. However, it is not specifically under the FOIA and therefore it must be a public meeting and no one can be excluded. It is a policy decision about whether or not you as a City Council want to televise it. You can or you don't have too, it is up to the City Council as to what they believe is the best policy for the city.

Alderman Petty: For commission members who are paid, are they still considered volunteers based on the description you just gave?

Kit Williams: Yes, I would say so. The Planning Commission is the only group that gets paid.

Alderman Kinion: Under the current situation where we have not recorded, I think it should be noted that these meetings have always been open. Anyone can come into the meeting and participate in the meeting and this meets the Freedom of Information Act guidelines. We have a community that has a reputation for being very engaged and the reason they are engaged is because we have a broad committee structure that offers a lot of opportunities for engagement. It was evident in our interviews this time that the interviewees were less comfortable because we told them we were filming. Can any alderman request a meeting to be filmed?

Kit Williams: Any alderman can make a request.

Don Marr: The current policy we operate under is resolution 180-10 passed in 2010 and the one prior to that was resolution 27-06 passed in 2006. In 2006 it didn't say specifically a particular meeting was going to be filmed. It gave priority in filming such as first level priority, second level priority, etc. Within that it said first level priority would be given to televising the City of Fayetteville governmental meetings. Governmental meetings are defined as governing bodies created by the City of Fayetteville including all committees, subcommittees, boards, commissions, task force and all bodies dealing with City of Fayetteville business. It wasn't a specific classification of committee that will be filmed. It did however allow any council member to request the filming of a meeting. In the 2010 resolution it gave more specific clarity to filming requirements. It says all City Council meetings and committee meetings will be recorded. It didn't require an alderman to request the filming.

Alderman Long: I would like to address Alderman Kinion. You made the comment that meetings have always been open. With all due respect, in August 2012 when I came to a Nominating Committee meeting during the election, I asked if I could enter the Nominating Committee room to watch the interview process and Alderman Gray told me no because it was a closed meeting.. They haven't always been open.

Alderman Gray: I don't remember that session and I don't think I would have said it because I know they are open. Two committee members that were there said they do not remember that happening. There was an instance where the husband of Alderman Adams was being interviewed and she chose to recuse herself and leave the room. I don't recall saying that and if I did, I apologize because that is incorrect.

Mayor Jordan: The point is you should be allowed because it is a public meeting.

Alderman Long: I have come since. It did actually happen.

Alderman Schoppmeyer: I have been through the Nominating Committee interviews and I think it is a bad idea to videotape when you are having interaction with citizens, based upon questions for them to become committee members. I wouldn't have cared for it when I was going through the process. It's an open meeting and if someone wants to attend they can attend. I don't think a drastic step like this should be taken because of one incident.

Alderman Schoppmeyer moved to approve the resolution. Alderman Gray seconded the motion. A vote was not taken.

Stephen Smith, Ward 2: You are to be commended for an open and accountable government. After taking office, Mayor Jordan passed the most extensive open government executive order of any city in the state of Arkansas and it exceeds the state Freedom of Information Act. I know that the City Clerk office and City Attorney office have responded well above times required by the Freedom of Information Act for numerous requests. This council has a long record dedicated to open government and the fact that the City of Fayetteville has the only city in the state that has three access channels, public, education and government. The government channel and the public access channel have improved vastly in recent years and part of that is because of the support of this council and funding. I am reluctant to speak against this. He spoke in opposition of the resolution.

Steven Kay, Ward 4: I have participated in the process for applying for various commissions over the last year. I attended the most recent Nominating Committee interviews that were recorded. I did not know where the camera was and felt comfortable in the room. I think it important that these meetings be recorded and to be put out there for the public to view. If someone is going to be afraid to be filmed during the interview process, it's only exponential when you are actually voting on real and tough issues and you have to be able to be open and have a government that is comfortable being in the limelight.

If we go backwards and start saying that this meeting can't be viewed by the public or can only be viewed if you show up in person, then we are affecting people with handicaps and disabilities

who can't get here. We can not allow a slippery slope and allow us to go backwards. Being able to view these meetings on television, even if a person can't be here in person, is important. You should not have to show up because they are not recorded. I participated in the interviews and I was told a week before when my time was. If they aren't going to be recorded and put on television, then we are going to have to post it and make sure the public knows when these meetings are. I think I have been to four or five meetings and there has never been a person there. Is that because no one wanted to come or no one knew when they were other than the people being interviewed? The public can't be there if they don't know when the interviews are. These are political appointments and important positions and to say that the process is going to be sheltered cast doubt on the rest of the process.

Alderman Tennant: You brought up the term slippery slope. What if I argued to you that the slippery slope could also go the other way? This is a public building and that restroom is a public building, let's put a camera in there.

Steven Kay: Those are not political actions going on in the bathroom.

Alderman Tennant: It's a personal issue and I don't think we should debate what a personal issue is for somebody.

Steven Kay: If I am applying for a public position, that is not personal anymore the minute I put my name in the ring for that appointment, and I ask for that. This is not them coming to me, this is me going to you saying I want this appointment and I am willing to do whatever it takes to get it, even if it means I have to be filmed in the public forum.

Alderman Tennant: The reason you can say that is because you are talented and don't mind standing up in front of people and don't mind saying what is on your mind and you are extremely intelligent. I absolutely disagree that most people feel that way. I think most people feel the opposite way and say, I would like to help my city, but I don't want people on live camera stating why I am or am not the proper person for a particular board or commission. We could very well use personality as part of it. I don't think that bothers you and that is great, but I think we need to do what is best for the majority of people and I don't agree that fits for the majority of people.

Steven Kay: I can assure you that standing up on stage and talking in front of a bunch of people is not my ideal role. In the interviews you are not asking personal questions. You are asking how I would view an issue, why it is important to me, and why am I there. Those are questions that citizens want to know. Why you want to serve on a board and commission. This meeting is already an open meeting and anyone can go there. This means questions are already being asked in a public forum and it needs to be available to all the public if they choose to view it. We need to see the transparency of government.

Alderman Kinion: I am for an open and transparent government. I am on this committee and I take this personal. To say that we have not published our meetings is an error. These meetings are always on the public calendar and the press is always notified and all the applicants are contacted. We have an open committee and open government. Our experience is to be open and

to be honest and to be transparent and this has been my experience for the past three years. There are some inaccuracies in what I heard. We are not sneaking around trying to get people on committees. I believe in open government. This is a paradigm shift because it has worked so well for so long for us. We encourage people to come in and watch the interviews. It is okay with me that we film the interviews, but it is going to make some people uncomfortable. I don't want any accusations cast on the committee that I have worked with for the past several years because it has been open, earnest and published. People know the times that we are meeting. We will probably be broadcasting. It will be a big change in the applicant pool and the comfort level that applicants have for applying to committees.

Alderman Gray: There is considerable follow up for the people who are not chosen. Every time someone is interviewed and they leave the room we say if you are not chosen this time please apply again. The clerk's office sends a letter to the people that were not accepted and to those who have been chosen. I take issue with this thing, that all of a sudden we are closing something, it has never been filmed. I spoke to former chair of the committee and former Alderman Kyle Cook and he said that it had never been filmed. I spoke to former Alderman Brenda Boudreaux and she was against the filming. We are not taking an action to change something. I have been on this board for seven years and never one time has my transparency been questioned. I am all about transparency, but first and foremost I am about meeting the needs of citizens. I have had citizens tell me this week that they won't be applying if the interviews are videoed. It is going to be a big disincentive. We have a published list of meetings that go out every week. These meetings are on that calendar. We are not trying to cover up something or do something that we do not want people to know.

Laura Chioldi: I recently just went through the interview process and I was the first person that was filmed. I was a little uncomfortable and I am not used to speaking publically. I think being in an interview and being filmed is different than being on a commission and being filmed, because it about me and just me. I don't think it is essential to people that my personal interview be filmed. I would rather not be filmed.

Alderman Petty: Were you asked any personal questions?

Laura Chioldi: No, it was about my personal interest.

Alderman Petty: Do you feel the questions were relevant to the position that you were applying for?

Laura Chioldi: Yes

Alderman Adams: During your interview, I remember what you did when Alderman Gray said that this is being recorded. No personal questions were asked, but there is personal awareness when you are being video taped than when you are not.

Alderman Petty: Are you certain that none of the other interviewees were asked personal questions?

Laura Chioldi: I had my interview and then I left the building.

Alderman Petty: If someone was selected for your position and then at a later date it was revealed that there was an incidence of corruption, would you like to know if anything was revealed in that interview?

Laura Chioldi: It makes sense to have it recorded on paper. I am not intense about my position, but I just wanted to say that Alderman Gray was right when she said that people are uncomfortable with recording.

Alderman Marsh: If you had known in advance that it was going to be recorded, would you have applied knowing that you were going to be filmed?

Laura Chioldi: When I walked in to the interview, I was told it was going to be filmed. If I had known in advance it would have been better.

Don Marr: I am speaking as a Ward 4 resident and not as Chief of Staff. I was the former Nominating Committee chair for five years of my term on City Council. We had open Nominating Committee meetings every time. In numerous occasions we would have the entire Library Board or Airport Board sit in and listen to interviews of candidates that we were considering.

One of the people I respect the most and think is one of the smartest people in the world is Steve Smith. I don't feel the process is flawed. If you look at the history in the City Manager and Council form of government, the Mayor and Council form of government, under Mayors Hanna, Coody and Jordan, I am not aware of a single appointment that has been challenged for a corrupt appointment. I am not aware of citizens who the council didn't feel was the best opportunity to serve on the committees. I interviewed for my very first time for a Planning Commissioner, I was actually selected as the first Planning Commissioner to be appointed over a Planning Commissioner who was up for reappointment and had traditionally always been reappointed. I was the first commissioner to have an article written about him which was maybe foresight at how difficult my political career would be. The article was about why I was picked over someone who was seated there. I think those were intense discussions about people that the council at the time was deciding whether the commissioners were aligned with their viewpoints. I remember being interviewed and it was not filmed. I was asked some very intense questions about my viewpoints on development. When I left the interview I was glad that they didn't ask my personal viewpoints for the possibility that it could have impacted my current employer or my job.

When I was chair of the Nominating Committee we had discussions about filming because you want to be open. I would not want someone to not apply for lack of confidence. I think it has unintended consequences. The unintended consequence is the person that you do not select. The person that goes through the process and has their life put on the table that you might not pick. It is an open meeting and anyone can attend it, but people have respected it for the process and the privacy of the discussion for the citizen applying. It is not going backwards because we do not do it today. It is about the risk of the applicant not the elected official. To participate in government

and provide input, advice, and testify you have to be here. It is not about openness but about broadcasting.

Alderman Long: You said the point is being here for the meetings and applicants have to be able to come to meetings.

Don Marr: I am saying when a disabled person wants to speak at a City Council meeting, they wouldn't be able to do it by viewing a broadcast, and they would have to actually attend this meeting to be a participant.

Alderman Long: Isn't the purpose of videoing so that people can watch it at home as if they were here.

Don Marr: Yes.

Alderman Petty: The fact that there is no evidence of past corruption isn't proof that there will not be corruption in the future and that is what policies are about. It may not be a step backwards but it is certainly a refusal to step forward. I don't think Fayetteville wants to be a community that is cemented into place. I am glad to confirm that the Nominating Committee doesn't make these things personal. I think that applicants' expectation of privacy, with respect to their qualifications and their opinions which are relevant to the position they are applying for, they lose that expectation of privacy. They should retain their expectation of privacy, for everything else is personal. It does not matter what our intentions are, it matters what the public perceives. People don't trust governments that do not make a good faith effort to involve them. Respectfully, Alderman Tennant said that we could very well use personality as part of our decisions and I know he was being facetious, but when the cameras are on, you can't. People should be able to comment on a selection and make an informed comment, not just a comment based on their personal relationship with someone. I am not on the Nominating Committee, but if someone wants to send me a comment about a nomination we are about to make, I would like it to be informed. This is about the letter of the law versus the spirit of the law and the spirit of the Freedom of Information Act is abundantly clear.

Alderman Marsh: Even though our Board and Committees are advisory, I place a lot of value on a committee's recommendation. These committee members are crafting and influencing public policy and the public deserves to be included on the interview process of these individuals. The public has the right to know the qualifications of the applicant. We are in government in Arkansas, a place that has a very poor reputation for back room deals and the good ole boy network. I think that it is upon us to show transparency and to demonstrate that we make appointments based on merit not personal relationships or other inappropriate criteria. The Nominating Committee should welcome daylight being shown on this process to prove that we are impartial and that we do have the public's best interest in mind in these appointments.

Alderman Tennant: I would like to expand on what Alderman Petty said and state that I have hired many more people in my life than you have. Some of these people make multimillion dollar decisions for my company. I owe it to my company in that interview to absolutely decide if that person will fit in with the team they are about to join. I do this on the Nominating

Committee as well. I owe it to the citizens to do it on the committee. For example, we have a good Historic District Commission and we have one spot open and five people applying. We don't want someone to join that commission when all they are going to do is drown it down into some inefficient worthless committee who never gets anything done. That doesn't serve the purpose of anybody in the city and if that happens to be a personality problem, then it's a personality problem. If their ability overrides everybody else on the commission and that person is an expert and they absolutely have to do it regardless of how they are going to drag it into the mud, then that is a decision making process too. It is all a factor. To not think that is a factor is ridiculous in my opinion. I wouldn't have a problem with filming the interviews. I have a problem with filming the discussion of the people themselves who are going to get on the committees and who are not going to get on the committees. I think that is when you are making the personal statements that could be misunderstood. Those are going to be filmed and archived forever.

The problem I have is when people use the umbrella of open government to bring what I think is a personal issue here. I don't know if it is true, but it sounds like it may be true and I think it is wrong. It has to help the majority of our citizens. Aldermen who choose to run for government should expect cameras in their face, but everyday citizens should not. If we film these meetings we are going to damage Fayetteville citizen's while satisfying a select few. I believe our applications will decline significantly. If I thought there were a whole bunch of people that were not afraid to stand in front of the camera and not afraid to say what is on their mind then maybe I would support filming it. But I don't think there are that many of them. We do not have enough people applying as it is. All these people want to do is help their city. We go beyond what we have to do already. We sacrifice the efficiency and productivity of government in the name of open government. We do not film our job applicants on city positions. I have gone through hours of HR training on why you do not do that. We want to throw all that away because somehow this is more important or the people are less important to treat with the same amount of respect. That is the message this sends to people in my opinion.

If we start filming these committee meetings, I will consider resigning from the Nominating Committee because it is absolutely the wrong this for us to do. We owe it to our citizens to give them as much empowerment to help their city as possible and this does the opposite. We need to make sure that we are not just grabbing at a cause which sounds, but does more harm to the most people than good to the few. I am surprised at any committee members that sit in there would want these filmed and certainly the discussion afterwards filmed.

Alderman Long: We are not excluding anyone; there will just be a camera in the room now. Alderman Petty and Marsh, I agree with everything you said. I think we should record every single thing in those committees. Valuable decisions are made in that room and four City Council members behind closed doors are making decisions on who is appointed to Boards and Commissions that make policy decisions for the City of Fayetteville. We use our Boards and Commissions that is where the groundwork starts for policy decisions in Fayetteville, we value that, either we value it or we don't. If we value that, we need transparency there.

Alderman Tennant: All that this does is water down the amount of people who apply and that means there will be less qualified and talented people on the commissions and everyone will be affected negatively.

Alderman Long: This question is for Alderman Gray. If I am unable to attend the Nominating Committee meeting, how do I know how to vote as a City Council member to approve your recommendation?

Alderman Gray: I think what you have to have is faith in the committee. When the Environmental Action Committee brings something forward, I know they have worked on it hard and I have faith in them. I don't question everything they bring forward just because I wasn't able to sit there and listen to them. Alderman Long, I would ask that you have faith in our decision or attend the interviews, which ever you would prefer.

Alderman Long: How many times do you interview each year?

Alderman Gray: We interview four times a year and we have lots of applicants and sometimes we are here until 11 p.m. and we may start at 4 p.m.

Alderman Adams: This personal issue that we are seeing here that one person could keep us here for three hours with accusations that something is going wrong is very insulting to me. I don't care if the interviews are filmed or not. It is apparent to me that we don't have a lot of people even running for City Council and many of us were unopposed. It is this very thing that causes people not to be, that one person can make people doubt our work and our integrity. If every time one person comes up here and decides that we need to change the way we do things and accuses us of not doing something right, or not doing something in the sunshine, many of us would probably not run again. When we vote on something for the City of Fayetteville we are voting on stewardship and it is public dollars and council energies.

Do you all know what the public wants? Every person that I have asked said they do not want it videoed. Maybe we need more public input on this issue before we make a decision. Our job is to do what the public wants and to be good stewards of public dollars. Are we supposed to watch every committee meeting before we vote on something? I move to table this.

Alderman Gray: We have large numbers of applicants. For an Alderman to say that people do not trust government I think we have a large number of citizens that do trust government. They trust when we ask them to come to an interview the right person is going to be chosen. If a person is disabled and can not get here we do phone interviews. We do not exclude anyone.

Alderman Kinion: I am not going to support the resolution because it is the right thing to have an open government and transparency. It breaks my heart for the person in the hot seat. I have respect for my colleagues that I have served with on this committee. They are individuals of the highest integrity.

Alderman Adams moved to table to the October 1, 2013 City Council meeting to receive more public input. Alderman Long seconded the motion and then withdrew his second. A vote was not taken.

A discussion followed about the tabling of the item.

Alderman Adams moved to table the resolution to the October 1, 2013 City Council meeting. Alderman Tennant seconded the motion. Upon roll call the motion passed 5-4. Aldermen Tennant, Schoppmeyer, Adams, Gray voting yes. Aldermen Kinion, Petty, Long and Marsh voting no. Mayor Jordan voted yes to table.

City Council Agenda Session Presentations:

City Council Tour:

Announcements:

Don Marr: The fall Ward cleanups will start Saturday, September 7, 2013.

Ward 1 cleanup will be on Saturday, September 7, 2013 at Shaver Foods parking lot at 1367 South Beechwood and the Solid Waste Recycling Facility at 1560 South Happy Hollow Road. The hours are from 7:00 a.m. to 2:00 p.m.

Ward 4 cleanup will be on October 5, 2013 in at Owl Creek School and Holcomb Elementary.

Ward 3 cleanup will be on October 26, 2013 at the Elks Lodge and Vandergriff Elementary.

Ward 2 cleanup will be on November 9, 2013 at Woodland Jr. High School and the Church of Christ parking lot.

We have a free electronics recycling event in Northwest Arkansas coming up at Arvest Ball Park in Springdale. The business drop off date will be Thursday, September 19, 2013 from 10:00 a.m. to 4:00 p.m. The residential drop off date will be Friday, September 20, 2013 from 10:00 a.m. to 4:00 p.m. and Saturday, September 21, 2013 from 9:00 a.m. to 12:00 p.m. The items that will be taken at the cleanup are computers, printers, faxes, copiers, phones, stereos, televisions, electronic cables, paper shredders, microwaves, VCR players, video game consoles, satellite receivers and ipods. Fayetteville citizens can receive coupons for discarding electronic products for no charge on any date through the remainder of the year.

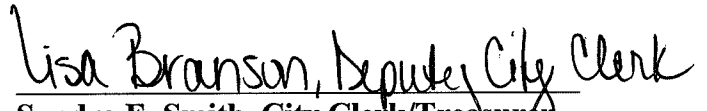
First Thursday will be September 5, 2013 at the square and starts at 5:00 p.m.

The Walton Arts Center is seeking proposals for visual and performing artist for the 2014 Artosphere. November 1, 2013 is the deadline and decisions will be made by December 1, 2013.

Bikes, Blues and Barbeque will begin on September 18, 2013 through September 22, 2013.

Adjournment: 10:03 p.m.


Lioneld Jordan, Mayor


Sondra E. Smith, City Clerk/Treasurer

