

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

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

**City of Fayetteville Arkansas
City Council Meeting Minutes
September 17, 2013**

A meeting of the Fayetteville City Council was held on September 17, 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 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.

ABSENT: Alderman Adella Gray

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

Advertising and Promotion Commission Appointment & Historic District Commission Appointment

The Advertising and Promotion Commission recommends the appointment of Tim Freeman term ending 03/31/16.

A copy of the report is attached.

The Mayor recommends the appointment Laura Chioldi to the Historic District Commission term ending 06/30/14 and Steven Kay 06/30/16.

A copy of the report is attached.

Alderman Kinion moved to approve the Advertising and Promotion Appointment and the Historic District Commission appointment. Alderman Adams seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

Nominating Committee Report

Alderman Adams read the Nominating Committee Report and recommended the appointments as submitted.

A copy of the report is attached.

Alderman Petty moved to approve the Nominating Committee Report. Alderman Schoppmeyer seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

Agenda Additions: None

Consent:

Approval of the September 03, 2013 City Council meeting minutes.

Removed from the agenda

Alderman Adams moved to remove the minutes from the agenda. Alderman Petty seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

Bid #13-46 Fochtman Enterprises, Inc.: A resolution awarding Bid #13-46 and authorizing a contract with Fochtman Enterprises, Inc. in the amount of \$711,833.70 for water and sewer improvements along Razorback Road from Martin Luther King Jr. Boulevard to Nettleship Street, approving a project contingency of \$75,000.00, and approving a budget adjustment.

Resolution 189-13 as recorded in the office of the City Clerk

Sprint/Nextel Property Services Amendment No. 1: A resolution approving Amendment No. 1 to the communication site lease agreement with Sprint/Nextel Property Services for cell antenna space on the Markham Water Tank on Sang Avenue.

Resolution 190-13 as recorded in the office of the City Clerk

Bid #13-48 B & A Property Maintenance: A resolution awarding Bid #13-48 and authorizing a contract with B & A Property Maintenance in the amount of \$28,220.00 for tree planting and maintenance, and approving a ten percent (10%) project contingency.

Resolution 191-13 as recorded in the office of the City Clerk

2nd Quarter Animal Services Donation Revenue: A resolution approving a budget adjustment in the total amount of \$21,243.00 representing donation revenue to the Animal Services Division.

Resolution 192-13 as recorded in the office of the City Clerk

2013 Edward Byrne Memorial JAG Local Assistance Award: A resolution authorizing acceptance of the 2013 Edward Byrne Memorial JAG Local Assistance Award in the total amount of \$69,977.00, and approving a budget adjustment.

Resolution 193-13 as recorded in the office of the City Clerk

Hazmat Services Revenue: A resolution approving a budget adjustment in the total amount of \$6,610.00 to recognize hazmat services revenue through August 2013 and to increase the related expense budget.

Resolution 194-13 as recorded in the office of the City Clerk

Hazmat Services Revenue: A resolution approving a budget adjustment in the total amount of \$3,314.82 representing hazmat services revenue received through August 2013 and increasing the related expense budget.

Resolution 195-13 as recorded in the office of the City Clerk

Fayetteville Fire Department Administrative Operating Procedures: A resolution to approve and adopt the Fayetteville Fire Department Administrative Operating Procedures.

Resolution 196-13 as recorded in the office of the City Clerk

Solid Waste and Recycling Extension Agreements: A resolution to approve one year extension agreements with Deffenbaugh Industries, Hog Box, Waste Management of Northwest Arkansas, and Allied Waste Services of Bella Vista to haul and dispose of solid waste and recycling in Fayetteville in exchange for a franchise fee of 10% and to authorize or ratify Mayor Jordan's execution of such contracts.

Resolution 197-13 as recorded in the office of the City Clerk

Alderman Petty moved to approve the Consent Agenda as read with the minutes removed. Alderman Long seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

Unfinished Business: None

Public Hearing:

Public Facilities Resolution Ratification: A resolution ratifying the resolution of the Fayetteville Public Facilities Board which approved a Revenue Bond (Butterfield Trail Village Project), Series 2013 in a principal amount of not to exceed \$8,000,000; and prescribing other matters pertaining thereto.

Mayor Jordan opened the Public Hearing

City Attorney Kit Williams gave a brief description of the resolution.

Jim McCord, Fayetteville Public Facilities Board: The law requires a public hearing on the proposed bond issue before the City Council considers the resolution which would ratify the action taken by the Fayetteville Public Facilities Board on September 3, 2013, which was a resolution authorizing the issuance of \$8,000,000.00 in revenue bonds for improvements to Butterfield Trail Village.

Dennis Hunt, Stephens: We serve as the Financial Advisor to Butterfield Trail Village. We have been working with them for several months trying to put together financing. The financing will be ten years with Arvest Bank and Butterfield Trail will have to fulfill the debt obligation associated with it. The amount will be \$8,000,000.00 and there has been a loan commitment already agreed too by Arvest Bank.

Under the tax code, 501(c)(3) which Butterfield Trail is, they have to come to a governmental body and the governmental body has to approve that this is something of public benefit to our community. Butterfield Trail has helped a great number people in our community.

Mayor Jordan: You have to come to us for approval, but we have no financial responsibility? Is that correct?

Dennis Hunt: Yes, that is correct. You have to determine if there is some public benefit.

There was no public comment

Mayor Jordan closed the Public Hearing

Alderman Long moved to approve the resolution. Alderman Tennant seconded the motion. Upon roll call the motion passed unanimously 7-0. Alderman Gray was absent.

Resolution 198-13 as recorded in the office of the City Clerk

New Business:

RZN 13-4461 (123 E. Cleburn St./Stover): An ordinance rezoning the property described in rezoning petition RZN 13-4461, for approximately 0.20 acres, located at 123 E. Cleburn Street from C-2, Thoroughfare Commercial, to DG, Downtown General.

City Attorney Kit Williams read the ordinance.

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

Alderman Tennant moved to suspend the rules and go to the second reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Alderman Petty moved to suspend the rules and go to the third and final reading. Alderman Tennant seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5614 as recorded in the office of the City Clerk

VAC 13-4459 (201 W Mountain St.): An ordinance approving VAC 13-4459 submitted by William Rudasill for property located at 201 W Mountain Street, to vacate a portion of a right-of-way and utility easement, a total of 413 square feet.

City Attorney Kit Williams read the ordinance.

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

Alderman Tennant moved to suspend the rules and go to the second reading. Alderman Adams seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Alderman Long moved to suspend the rules and go to the third and final reading. Alderman Petty seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5615 as recorded in the office of the City Clerk

VAC 13-4460 (423 Prairie Ave): An ordinance approving VAC 13-4460 submitted by Jacobs Newell Company for property located at 423 Prairie Street, to vacate an access easement, a total of 0.02 acres.

City Attorney Kit Williams read the ordinance.

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

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 Gray was absent.

City Attorney Kit Williams read the ordinance.

Alderman Adams moved to suspend the rules and go to the third and final reading. Alderman Petty seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5616 as recorded in the office of the City Clerk

Beaver Watershed Alliance: An ordinance waiving the requirement for bids by applying §34.23(F) Purchases and Contracts Not in Excess of \$20,000.00 of the Fayetteville Code of Ordinances and approving a contract with the Beaver Watershed Alliance in the amount of \$10,000.00 to assist in the improvement of water quality in the Beaver Lake Watershed.

City Attorney Kit Williams read the ordinance.

Chris Brown, City Engineer gave a brief description of the ordinance.

John Pennington, Executive Director of Beaver Watershed Alliance: We are the organization with the mission to look after Beaver Lake to proactively protect, enhance and sustain the quality of water at Beaver Lake through outreach, education, best management practice implementation, and scientific investigation. We have several projects that are of great value to everyone that drinks water from Beaver Lake. The programs are the West Fork Opportunity Assessment and War Eagle Outreach Program and these are our focus programs over the next year. We are looking to engage communities within the West Fork Watershed from Winslow to Fayetteville. We want to let people know what the issues are in the watershed and to make sure they understand. We would like to see what kind of input they can offer that will help us to identify the conservation opportunities in the watershed.

Land conservation is a very big best management practice in the watershed protection strategy that was developed by the Northwest Arkansas Council. We are hoping to find some willing landowners that would like to enter their land into conservation easements and we would also like to find some landowners that would like to have their streambank restored. We are partnering with the Arkansas Land Trust to carry out this program. They have unique expertise in land conservation and streambank restoration.

We are trying to increase awareness that Beaver Lake is the drinking water source of Northwest Arkansas. We had a survey last year and the results of the survey indicated that more than half of the residents that live in the watershed do not think that they can impact water quality. We need to overcome that thought with our educational programming. We need to monitor the water quality to make sure improvements are being made through time. We have to continue to reassess what we have done, how it worked and what we need to do better in order to achieve our goals for the benefit of Northwest Arkansas.

Alderman Adams: It has been exciting to hear John speak and to learn what we are able to do with a small amount of money. I know that a lot of us are hearing things right now at budget time on what we should spend money on. There is nothing more important that we could do than to protect our water supply. I appreciate the great work you are doing John and I have learned a lot.

Alderman Tennant: There aren't too many things that effect about every single one of our citizens and thank you.

Mayor Jordan: This is a very important program. A very wise environmentalist once told me that everything goes back to two sources and that is water and air. We need to protect them and that is what this program does.

Alderman Tennant moved to suspend the rules and go to the second reading. Alderman Adams seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Alderman Long moved to suspend the rules and go to the third and final reading. **Alderman Marsh** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Gray** was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. **Alderman Gray** was absent.

Ordinance 5617 as recorded in the office of the City Clerk

Amend Chapter 34 Finance and Revenue: An ordinance amending Chapter 34: Finance and Revenue of the Fayetteville Code to enact §34.10 Temporary Cash Transfers Related to Reimbursable Grants to provide a cash flow mechanism for reimbursable grants.

City Attorney Kit Williams read the ordinance.

Marsha Hertweck, Accounting Director gave a brief description of the ordinance.

Alderman Long: Is there a limit on the amount of funds that can be transferred?

Marsha Hertweck: You could put a limit on it. If you want to put a limit on it, then we might have to come back to Council if we had a big grant and making big payments. This is probably unlikely. This is a \$200,000.00 grant and I am assuming the payments will be pretty regular and they wouldn't be large amounts, but if you want to do that we can.

Alderman Long: Have we made any efforts to change our terms with our vendors to accommodate this instead of doing temporary cash transfers?

Marsha Hertweck: No, we have not and we could pursue that too if you would like. On this particular NEA grant we have two vendors, the University of Arkansas and the Walton Arts Center. Those are the two vendors that we would be asking to wait four to six weeks for their payments.

Alderman Long: We have not asked them to change their terms at all, so we don't know if they would be willing to wait the four to six weeks?

Marsha Hertweck: That is correct.

Alderman Adams: Maybe the University and Walton Arts Center could wait, but I grew up in Fayetteville in the family of Bedford Camera and Video and we really couldn't wait on money sometimes. I remember moments when my father was really hoping that money would come very fast to pay the next bill. How many vendors might be in that position that does not have the

deep pockets like the University of Arkansas and do we have some businesses that need a quick turn around?

Marsha Hertweck: Yes, it is kind of unusual to have a grant that is the University and the Walton Arts Center. Many of our grants would be all kinds of small vendors that would probably need the cash flow a lot quicker.

Alderman Adams: This would be a vote in your opinion to support our small businesses?

Marsha Hertweck: Yes.

Don Marr, Chief of Staff: One of the reasons that this was brought forward was because historically we had put all the grants in the General Fund and we were able to make those kinds of cash flow movements. We are now doing our policy where grants are in a stand alone fund related only to that grant and because of that we need the ability to move the money from the General Fund into these stand alone grant funds to cover the short term cash flow issues. We are doing that to get greater accountability and transparency of the grant that we received and how we spent it and to assist us in the auditing and activity of those grants.

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

City Attorney Kit Williams read the ordinance.

Alderman Kinion moved to suspend the rules and go to the third and final reading. Alderman Tennant seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5618 as recorded in the office of the City Clerk

2013 Millage Levy: An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas, for the year 2013 fixing the rate thereof at 1.3 mills for General Fund operations, 0.4 mills for the Firemen's Pension and Relief Fund, 0.4 mills for the Policemen's Pension and Relief Fund and 1.0 mill for the Fayetteville Public Library; and certifying the same to the County Clerk of Washington County, Arkansas.

City Attorney Kit Williams read the ordinance.

Marsha Hertweck, Accounting Director gave a brief description of the ordinance.

Alderman Kinion moved to suspend the rules and go to the second reading. **Alderman Adams** seconded the motion. Upon roll call the motion passed 6-1. **Alderman Petty** voting no. **Alderman Gray** was absent.

City Attorney Kit Williams read the ordinance.

Alderman Petty: I don't have any problem with the proposal, but it is just my policy to never vote to advance such a substantial budget item in one night.

Mayor Jordan: If you want, we can wait two weeks.

Alderman Long: I think we should wait.

City Attorney Kit Williams: We have had two readings, so we will be on the third for the next meeting.

Sales and Use Tax Capital Improvement Bonds, Series 2013: An ordinance authorizing the issuance and sale of the City's Sales and Use Tax Capital Improvement Bonds, Series 2013, for the purpose of financing a portion of the costs of certain street improvements; authorizing the execution and delivery of a Third Supplemental Trust Indenture pursuant to which the bonds will be issued and secured; authorizing the execution and delivery of an official statement pursuant to which the bonds will be offered; authorizing the execution and delivery of a bond purchase agreement providing for the sale of the bonds; authorizing the execution and delivery of a Continuing Disclosure Agreement; and prescribing other matters relating thereto.

City Attorney Kit Williams read the ordinance.

Marsha Hertweck, Accounting Director gave a brief description of the ordinance.

Dennis Hunt, Stephens: Do you have any specific questions I could answer? I think Mr. Becker explained it fully during Agenda Session and this is just a continuation of what voters approved in 2006.

Don Marr: This third phase bond issue that was authorized by voters is not the full remaining amount. The amount we are talking about today has been reduced in order for us to spend the proceeds, design the projects and have construction completed within a time period without having to get into an issue of refunding bonds. There could be an additional one done for any final projects and this addresses the question about why the amount is less than the remaining originally approved totals.

Fran Alexander: Would this be defined as a General Obligation Bond?

City Attorney Kit Williams: No, it is an obligation that is only satisfied by the sales and use tax.

Fran Alexander: I was wondering when it went to market how it was defined. I know it is not revenue. I thought it might be General Obligation, but it goes into sales and use and is that a category on its own?

City Attorney Kit Williams: I would like to defer to our bond counsel that is here tonight.

Gordon Wilbourn, Kutak Rock: I have been serving as bond counsel on this series of bonds and that is correct. It is kind of like a hybrid. It is not a Revenue Bond because taxes aren't revenues, but it is not a General Obligation to a special tax bonds secured only by the three quarter and the quarter cent.

Mayor Jordan: Does that answer your question?

Fran Alexander: It does in a way. The tax pledge is essentially coming from the citizens who would have voted on a General Obligation Bond. The City Council has the power to approve this kind of bond issue and so in a way it is a General Obligation.

City Attorney Kit Williams: No, it is not a General Obligation Bond which probably would be an obligation upon a General Fund. This money never really goes into the General Fund. It always goes to the trustee to pay off the bond and the city could not seize any of that money. Is that correct Gordon?

Gordon Wilbourn: That is correct. The voters approved a hundred and ten million of bonds in 2006 and these have been issued in series over time and this is a part of that.

Alderman Kinion moved to suspend the rules and go to the second reading. Alderman Tennant seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

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 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5619 as recorded in the office of the City Clerk

Kum & Go, L.C.: A resolution to approve the Third Amendment to land sale agreement with Kum & Go, L.C. to extend the closing date to no later than February 12, 2014 and to agree to equally share the costs of a new traffic signal.

City Attorney Kit Williams gave a brief description of the resolution.

Alderman Marsh: I do think it is appropriate for us to extend the closing date since Kum & Go accommodated our extended demolition timeline. I voted against the sale publically and this gas station. I do not want any part of this decision and I will be abstaining from this vote.

Alderman Kinion moved to approve the resolution. Alderman Long seconded the motion. Upon roll call the motion passed 6-0. Alderman Marsh abstained. Alderman Gray was absent.

Resolution 199-13 as recorded in the office of the City Clerk

Economic Development Contract for Services Renewal: An ordinance to waive formal competitive bidding, to approve a two year Economic Development Services contract with the Fayetteville Chamber of Commerce in the total amount of \$330,000.00 and to approve a budget adjustment.

City Attorney Kit Williams read the ordinance.

Don Marr, Chief of Staff gave a brief description of the ordinance.

Steve Clark, Fayetteville Chamber of Commerce: We enjoy working for you and in partnership with you. A great deal of the success that has been credited to us is the direct result of your leadership by giving us the tools and the opportunity to go to the market and say to existing businesses there is a reason to expand and they have. We have contacted new businesses and stated there is a reason to locate here and they have. We would like to continue this relationship and we thank you for your support.

Fran Alexander stated she would like to encourage the Chamber of Commerce to put some of the Economic Development money to Green Infrastructure for the betterment of the community and not to think only about jobs, but about the quality of life here.

Alderman Marsh: I think we have seen a very good return on our investment and I appreciate the efforts the Chamber of Commerce has put into this. I know there has been emphasis on attracting clean living wage jobs and that is definitely part of the Economic Development Plan that they have outlined for the future.

Alderman Marsh 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 Gray was absent.

City Attorney Kit Williams read the ordinance.

Alderman Adams moved to suspend the rules and go to the third and final reading. **Alderman Tennant** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Gray** was absent.

City Attorney Kit Williams read the ordinance.

Alderman Kinion: Seldom have we seen a return on the investment we have made in the community quite as impressive as this. I would like to commend the work that we have seen with our collaboration with the Chamber of Commerce and the impact that they have had in the Economic Development and the measurable impact of this investment.

Mayor Jordan: I would like to thank the Chamber of Commerce. Many of the jobs we have brought here have been green jobs. I have made that an emphasis since I've been in this office and they have worked with me very well. They have the Greenway Program for green businesses throughout the city and they have done many things. I hope to continue the great partnership that we have established.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. **Alderman Gray** was absent.

Ordinance 5620 as recorded in the office of the City Clerk

Amend §164.11 Height and Setback Regulations; Exceptions: An ordinance to Amend §164.11 Height and Setback Regulations; Exceptions to enhance livability through appropriate transitions in building scale and to protect access to air and sunlight and to enact an emergency clause.

City Attorney Kit Williams read the ordinance.

Alderman Marsh gave a brief description of the ordinance and asked for the Council to take public comment and to leave the item on the First Reading.

Alderman Petty: What direction are you headed in?

Jeremy Pate: One of the things we recognize is that this particular proposal is a one size fits all and it doesn't really look at the scale. For instance, a two story walk up unit has the same standard applied as a large three to five acre six story building. A two story walk up unit may even be smaller in scale than the adjacent single family home. We want to look carefully at how those are applied, particularly on the smaller lots we see as the most impacted by a 15 foot setback. We have a number of 40 and 50 foot wide lots within our Downtown area some of which have single family adjacent, but also allow for different uses. We have identified cases where it would prohibit any kind of use except for single family development. This proposal is a

little too broad in context of overall encouragement of infill projects and we would like to take a look at that.

Alderman Marsh: We are looking at three general conditions. We are looking at small, medium and large scale and making sure that we are sensitive to all those needs.

Alderman Petty: Can you tell me how setbacks are applied, specifically the objects that get constructed ranging from buildings, parking lots, decks to outbuildings, including sheds or chicken coops?

Jeremy Pate stated that anything over 30 inches in height above the ground plane has to meet building setbacks and continued to list the different districts that essentially have a zero foot side setback and cases having a zero foot rear setback.

Alderman Petty: The bottom line is that it applies to everything constructed that is taller than 30 inches?

Jeremy Pate: Correct.

Alderman Petty: In most of our Mixed Use Zones we don't have a minimum lot width for any thing except for a Single Family District which I believe in many of our Form Based Zones is 18 feet for a single family home. If you walk down Dickson Street there are plenty of buildings that are less than 18 feet wide. Will this be addressed when this is amended and are you going to institute minimum lot widths? Is that going to be your proposal or are you going to try to allow development to still occur on small lots?

Jeremy Pate: We haven't got to that point of looking at changing any kind of lot widths.

Alderman Marsh: We want to specifically target lots that are directly adjacent to an occupied single family home. We absolutely wouldn't want to prohibit development in that circumstance.

Michael Carr: I live in the Wilson Park area. I moved back to Fayetteville a few years ago for family and because of the character of Fayetteville. I spent 16 years teaching architecture and historic preservation at the University of Oregon. I believe the city needs to densify and to grow up and not out as much as possible. This is the best way for a city to grow and also the most sustainable way to grow. From the preservation side this growth has to be managed to protect the heritage that we have and the character that defines this town.

Mr. Carr continued to voice his opinion and spoke in favor of the proposed ordinance.

Nina Shirkey: I addressed the Council on June 18, 2013 regarding my concern about the lack of setback requirements around my home. I would like to point out that it isn't just Block Street. It is also the area on Church Street and west of the Square which are some the oldest neighborhoods in Fayetteville and those houses are in the Downtown General Plan.

I would like to speak about one line in the opening paragraph in the ordinance that says helping to enrich our built environment by promoting the compatibility of new development with historic structures. I would suggest that the term be amended to say existing structures or historic and existing. The term historic can sometimes have a very strict definition and it wouldn't maybe apply to all the single family houses.

Alderman Petty: Your house is famous in Fayetteville and I was hoping you could tell us a little bit about the legacy. What has made it so special to the community and could you please tell us some of the events that have taken place there?

Nina Shirkey: There have been some mayoral candidate election parties, funerals, weddings, and my mother taught ballet there for 15 years. There have also been a lot of community events such as concerts, art shows and everything else you can think of. It is a really important space, but I think this amendment to the ordinance goes beyond my house and I think it really speaks to Fayetteville. I do think Fayetteville would be at a loss if my house was lost due to development.

Alderman Petty: Could you tell me about how many times back in the day the house was open to the public?

Nina Shirkey: I am not sure, but it was once a week at least. It is a single family residence and it would be continued to be used that way. It wouldn't be a business if that is what you are getting at.

Alderman Petty: It is and it seems that your structure is being used for more than just living for a generation at least.

Nina Shirkey: I was born and raised in the house and I plan on continuing to live there.

Fran Alexander voiced her opinion that a precedent needs to be set as to how high and how close the city wants buildings to be. She stated she was supporting the amendment in whatever final form it finally takes and hopes it is workable. She believes it is important to recognize the historic value of Fayetteville.

Kathy Voight, a new resident to Fayetteville stated she lives next door to a three story, six condo that was built with zero setbacks and knew that when she purchased her home. However, when she tries to back out of her driveway she needs to have someone standing in the street to help her. She would appreciate some thought towards the setback issue and is supportive to the amendment.

Mary Lowe lives by Wilson Park and stated she was at a City Council meeting 20 months ago and a developer was asking for a height variance for a complex on West Maple. She remembered them saying that the complex wouldn't block the view of Old Main, but would frame it. The complex brought 1,200 students and she knows that student housing is needed. She believes that in our glee of having more tax revenue we are letting developers come into Fayetteville and dramatically affect the quality and the nature of living here. She stated that developers are

squeezing every dollar they can get out of every square inch they buy without setback and height variances and believes that it is changing the quality of life in this town.

Mayor Jordan: We are going to leave this on the First Reading and we will look at it in two weeks.

Alderman Petty: I am glad to hear this amendment is going to continue to be worked on. There are many businesses currently in Fayetteville that wouldn't have been able to be built years ago by this proposed amendment. I know people are going to see me as against height limits. I am for height limits and they are important. When you don't have height limits and your town has a demand for 100 new housing units and one developer comes in and builds all 100 units and according to the market nobody else gets to build for the rest of the year or longer. This means there is a missing piece for our city that will never get filled in or may never get repaired and that is why height limits are important. When you don't have limits, extraordinarily tall buildings get built and take all the development potential away. The person who owns the vacant lot next to that development now thinks that their lot is worth that, but the market is gone for it so they hold out and speculation continues to reinforce that missing piece condition.

I am not for broad brushes and it makes me wonder if the justification for this is sunlight and fresh air. That is great and deserves our attention in a profound way, but what about a home that exists that has 50 foot setbacks already that sits on an acre in the middle of town? Does it need to be protected like this? I'm not sure that it does. Nationwide only 18% of households are going to have kids in 2030. In a college town the number is even less. Households with kids are the biggest driver for demand for single family homes. I think that begs the question, is this approach prejudicial against the other 80% of households. Don't renters deserve protection as well? I think they do. The way that this is written out it really takes the little guy out of the opportunity for Downtown development and this is already the case to build anything in most communities. You have to have access to out of state capital, huge contracting firms and you just can't really do it in most cases if you are a small family operated business that just wants to build in your community. This makes that situation worse. I am not saying zero lot line development is right, but I can't say that it is wrong. I don't have that kind of confidence with the issue so I hope when you work on this the next two weeks it is a totally different framework that still addresses the issues.

Alderman Marsh: I would like to thank the public and Alderman Petty for their comments. This is the kind of feedback we are looking for as we move forward with developing this ordinance.

This ordinance was left on the First Reading.

Cleveland Street Improvements Appeal: A resolution to grant the appeal of Alderman Alan Long concerning a recommendation of the City Council Transportation Committee concerning Cleveland Street Improvements.

Alderman Long moved to table the appeal indefinitely. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Council Agenda Session Presentations:

General Fund Budget Discussion –Paul Becker, Finance Director and Internal Services Director

City Council Tour:

Announcements:

Don Marr: There will be a Ward 1 meeting on Thursday, September 26, 2013 at 6:00 p.m. at YRCC.

Bikes, Blues and Barbeque will begin on Wednesday, September 18, 2013 and runs through Sunday, September 22, 2013. We encourage riders to ride quietly and enjoy their time here in town.

The City of Fayetteville, Washington County, AT & T and all of our public safety departments are encouraging you to join our “It Can Wait” campaign which is September 19, 2013 to pledge to not text and drive. If you are willing to take the pledge, we have stickers that you can add to your vehicles and they can be picked up around the community.

The next Town Hall meeting will be Monday, September 30, 2013 and will be a joint Mayor’s Town Hall meeting and a Ward 4 meeting for the month of September. It will be at St. James Missionary Baptist Church on the corner of Leverett and North Street.

The Ward 4 clean up is on October 5, 2013 and will be at Owl Creek on Ruppel Road and Holcomb Elementary on Salem Road.

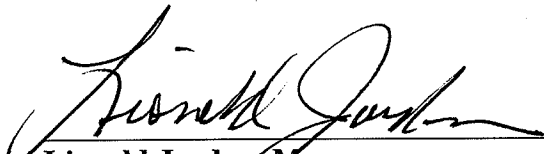
On September 19, 2013 through September 21, 2013 is the Northwest Arkansas Electronic Recycling event taking place at the Arvest Ballpark in Springdale.

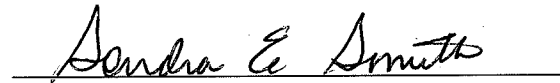
The new Marion Ortin recycling facility opens this week on North Street. We plan to have hours that are seasonal in nature. This will be a staffed site to help citizens.

We would like citizens to reserve the date for the Southeast Fayetteville Community Center 2nd Annual, Celebrate Our Kids Banquet on October 1, 2013. The program is called, Three Big Shots. U.S. Reed, Charles Balentine and Scotty Thurman will be the speakers at the event as well as Coach Nolan Richardson. This will benefit the Yvonne Richardson Community Center. It will

be at the Fayetteville Town Center with social hour starting at 6:00 p.m. and dinner with program beginning at 7:00 p.m.

Adjournment: 7:55 p.m.


Lioneld Jordan, Mayor


Sondra E. Smith, City Clerk/Treasurer



RECEIVED

AUG 29 2013

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

August 28, 2013

Fayetteville City Council & Nominating Committee Members:

Pursuant to City Code of the Historic District Commission and the City Board of Health where the Appointments states "Vacancies on the Commission (or Board) shall be filled by appointment from the Mayor with the approval of the City Council."

I am making the following appointments for consideration of approval by the City Council:

1. Laura Chioldi – Historic District Commission – (1 unexpired term ending 6/30/2014)
2. Steven Kay – Historic District Commission – (1 unexpired term ending 6/30/2016)

Thank you for your consideration of final approval for my appointments.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lioneld Jordan", written over a horizontal line.

Mayor Lioneld Jordan,

City of Fayetteville AR



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

September 10, 2013

**TO: Mayor Lioneld Jordan
Fayetteville City Council
Don Marr, Chief of Staff**

**FROM: Marilyn Heifner
Executive Director, Fayetteville Advertising and Promotion Commission**

RE: Vacancies on Fayetteville Advertising and Promotion Commission for terms expiring March 31, 2016.

The Fayetteville Advertising and Promotion Commission at their September 9, 2013, regular meeting voted to appoint Tim Freeman to fill a tourism industry position on the A & P Commission. Mr. Freeman is a resident of Fayetteville and a registered voter.

The Commission asks for the approval of the Fayetteville City Council per state statute as follows:

26-75-605 (b)(2) Advertising and Promotion Commissions
Vacancies on the commission, whether resulting from expiration of a regular term or otherwise, in any of the four (4) tourism industry positions provided for in subdivision (a) (1) or in the at-large position provided for in subdivision (a)(3) shall be filled by appointment made by the remaining members of the commission, with the approval of the governing body of the city.

Thank you.

Nominating Committee Report

Meeting: Wednesday, August 28, 2013

City Hall, Room 326, 5:00 p.m.

Members Present – Adella Gray, Rhonda Adams, and Mark Kinion

Absent – Justin Tennant

The Nominating Committee recommends the following candidates for appointment:

ANIMAL SERVICES ADVISORY BOARD

- Charles Blomberg – One unexpired Veterinarian term ending 06/30/16

CITY BOARD OF HEALTH

- No physician applications were received – One unexpired Physician term ending 12/31/16

CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS

- No applications were received – One unexpired Alternate Member term ending 03/31/14

TELECOMMUNICATIONS BOARD

- No applications were received – Three unexpired terms ending 06/30/17

TOWN AND GOWN ADVISORY COMMITTEE

- Phil Jones – One Resident of Ward 1 term ending 09/30/15
- Tommy Deweese – One Resident of Ward 3 term ending 09/30/15
- Scott Shackelford – One University of Arkansas Student term ending 09/30/15

