

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
October 15, 2013**

A meeting of the Fayetteville City Council was held on October 15, 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, Martin Schoppmeyer, Rhonda Adams, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Justin Tennant

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items: None

Agenda Additions: None

Consent:

Approval of the October 01, 2013 City Council meeting minutes.

Approved

Bid #13-52 Time Striping, Inc.: A resolution awarding Bid #13-52 and authorizing the purchase from Time Striping, Inc. of thermal striping, in variable amounts, for the Transportation Division as needed through the end of calendar year 2014.

Resolution 205-13 as recorded in the office of the City Clerk

Solid Waste Hauling and Disposal Fees: A resolution approving a budget adjustment in the total amount of \$269,000.00 to provide funding for solid waste hauling and disposal fees.

Resolution 206-13 as recorded in the office of the City Clerk

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

Unfinished Business:

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. *This ordinance was left on the First Reading at the September 17, 2013 City Council meeting. This ordinance was left on the Second Reading at the October 01, 2013 City Council meeting.*

City Attorney Kit Williams stated that since the last meeting there had been a proposed amendment and rather than reading an ordinance that isn't accurate, he suggested that he read Alderman Marsh's proposed amendment.

City Attorney Kit Williams read the proposed ordinance amendment.

Alderman Petty moved to amend the ordinance to the new one that was presented at the City Council meeting. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-0. Alderman Tennant was absent.

Mayor Jordan: Is this amended ordinance different from what was passed out two weeks ago?

Alderman Marsh: I know the content is the same, but the language was streamlined a little bit.

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

Fran Alexander: Is it a five foot green space for trees?

Jeremy Pate: That is correct. The minimum requirement in most instances would be five feet rear and side setbacks. Currently it is zero.

Fran Alexander voiced her opinion and is in favor of the ordinance.

Louise Mann voiced her opinion and is in favor of the ordinance.

Alderman Adams: Is the 180 days new on this version? Will they have 180 days after the issuance of their Certificate of Occupancy to come back and prove that they have met the LEED standards?

Jeremy Pate: It is new. I don't think there was a time frame associated with one of the previous drafts. That was a recommendation from Alderman Marsh.

Alderman Adams: What happens after 180 days?

Alderman Marsh: You can get LEED certification pretty quickly upon completion of a building, but with 180 days that would give you a chance if you missed a point and need to go back and fix something. That gives you plenty of time to do that. Many of the other municipalities that have adopted these standards have either taken a bond of assurance that is refunded upon achievement of that standard or they issue a fine, typically \$100.00 a day until the building is brought into compliance.

City Attorney Kit Williams: I would like for Council to suspend the rules and go to the third and final reading so there won't be any question where we are at this point in the procedure.

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 failed 4-3. Alderman Long, Marsh, Kinion and Petty voting yes. Alderman Schoppmeyer, Adams and Gray voting no. Alderman Tennant was absent.

City Attorney Kit Williams: I would rather you table this to allow it to be referred to the Planning Commission for recommendations on part of it. However, this has been an unusual procedure because we started with one ordinance and we have almost totally changed to a new ordinance. Even though I read the whole ordinance, I don't want there to be some procedural issue if it is eventually passed. If we suspend the rules it doesn't mean you have passed it. I want to avoid any possibility of being challenged for not following proper procedure and this is why I request you suspend the rules.

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

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 Tennant was absent.

City Attorney Kit Williams read the ordinance.

Alderman Marsh read the 2030 City Plan and continued reading the goals and policies that are in the plan. She stated that she has received calls and emails from citizens that are very concerned about new development and its impact on existing homes and businesses. She stated that the proposed ordinance is seeking to establish some fair and modest protections so as we build the Fayetteville of our future, we don't destroy the Fayetteville of today we know and love. She would like to see the community develop into a walkable, mid-rise downtown.

Alderman Marsh continued to speak about the incentives for developers who choose to build above 60 feet and in particular the LEED incentive.

Tracy Hoskins, Planning Commissioner spoke in favor of the ordinance to go before the Planning Commission. He stated that there are people on the Planning Commission who are in the architectural field and would like to have seen the ordinance before it was brought to City Council. He stated that from a developer's point of view he has some concerns and would like to see it go before the Planning Commission.

Alderman Adams: Last week at Agenda Session I asked if this had gone to Planning Commission what the process would be. I am not speaking against the ordinance, but felt that the Planning Commission input was important. Can you think of another time that we have made changes like this where we have not received input from the Planning Commission?

Tracy Hoskins: No. I was here at the last City Council meeting and it took me by surprise. I questioned why we had not seen this at Planning Commission.

Alderman Kinion: Does this have an emergency clause request?

City Attorney Kit Williams: Originally there was an emergency clause, but actually with the moratorium that is within our code that's all we need. We don't need an emergency clause.

Alderman Kinion: Could you explain that? My understanding with the moratorium is that we have time to discuss it and pass it without dragging our feet. I need a clarification of the process.

City Attorney Kit Williams: Jeremy and I have discussed this and we are in agreement. When you look at the code it says there is a 90 day moratorium, but then it goes on and says that provided if final action by the City Council is not taken on the question within three months of the time the matter is referred. That is basically when it appeared on the Tentative Agenda and our Planning Department saw it. The permit shall be issued if all other requirements are met. If you don't do anything in three months from that date, then the moratorium is over. If within such three month period, the governing body of the municipality shall pass an ordinance amending this zoning then no permit shall be issued. Even though the ordinance will not be in effect for 31 days without an emergency clause, as long as you have passed an ordinance affecting this zoning decision, then at that point no permit can be issued unless it conforms to what you just passed.

Jeremy Pate: The day it was placed on the Tentative Agenda, which was September 10, 2013 and so December 10, 2013 would be the 90 days.

Alderman Kinion: A decision to pass?

Jeremy Pate: Correct, to do anything with this.

A discussion followed about clarifications, rules and deadlines of a moratorium.

Alderman Kinion: I support the intent and language of this ordinance. We have to be careful not to inhibit the economic development in some areas of our city, which could be negatively impacted by a broad and sweeping ordinance of this nature.

Alderman Petty: It is broad and appropriately broad. I think compared to the original ordinance we considered, it is much narrower, which applied to every zoning district. I believe this is better than what is in code now and most urban design firms would want this to be even more aggressive.

Alderman Petty stated that real estate markets are made up of a finite level of demand. If you are going to build one tall building and you only have a certain amount of demand then other parties that sit vacant do not get developed. As the demand picks up you see the market will be able to support more single family houses and smaller apartment complexes. He stated that if this went to the Planning Commission, he would like for them to consider recommending large scale development for anything above four stories regardless of the property size.

Alderman Adams stated that she appreciated Alderman Kinion's comment and they closely match the way she feels. She is not speaking against this ordinance, but believes that more input is needed from various stakeholders.

Mayor Jordan stated that Alderman Tennant called and asked if this could be tabled to allow him to be in attendance at the next City Council meeting to provide input on the topic.

Alderman Kinion: I would like to hear comments from individuals this evening.

Nina Shirkey voiced her opinion and is in support of the ordinance. She doesn't believe that very much will change if it goes to Planning Commission.

Alderman Kinion moved to table the ordinance to the November 5, 2013 City Council meeting and send the ordinance to the Planning Commission for review. **Alderman Schoppmeyer** seconded the motion. Upon roll call the motion passed 5-2. **Alderman Schoppmeyer, Adams, Gray, Kinion, and Petty** voting yes. **Alderman Long and Marsh** voting no. **Alderman Tennant** was absent.

This ordinance was Tabled to the November 5, 2013 City Council meeting and referred to the Planning Commission.

PPL 13-4404 (Persimmon Street Master Street Plan Right-of-Way/Legacy IV Subdivision): A resolution to approve the dedication of 70 feet of right of way for Persimmon Street along most of the owner's property as recommended by the Planning Commission. ***This resolution was tabled at the October 1, 2013 City Council meeting to the October 15, 2013 City Council meeting.***

Jeremy Pate, Director of Development Services gave a brief description of the resolution and asked that the resolution be amended from saying 77 feet to reduce to 73 feet. He stated staff and applicant were in agreement.

Alderman Marsh moved to amend the resolution from saying 77 feet to reduce to 73 feet. **Alderman Adams** seconded the motion. Upon roll call the motion to amend passed 7-0. **Alderman Tennant** was absent.

Alderman Kinion stated that he was appreciative that staff and the applicant were able to work out a compromise. He hopes future developers will understand that the city and staff are willing to compromise and create an opportunity to move forward with a plan.

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

Resolution 207-13 as recorded in the office of the City Clerk

RZN 13-4467 (Mount Comfort and Shiloh/Kum & Go): An ordinance rezoning that property described in rezoning petition RZN 13-4467, for approximately 1.65 acres located at the northwest corner of Mount Comfort Road and Shiloh Drive from R-A, Residential Agricultural and RSF-4, Residential Single-Family, 4 units per acre, to C-1, Neighborhood Commercial. ***This ordinance was left on the First Reading at the October 01, 2013 City Council meeting.***

Alderman Gray 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 Tennant** was absent.

***City Attorney Kit Williams** read the ordinance.*

Mayor Jordan: Jeremy, do you have anything new to discuss?

Jeremy Pate: The last time we met there was discussion about taking comments at a Ward 4 meeting. I'm not sure if the Aldermen have a report on that.

Alderman Adams: We talked about having a public input meeting. Alderman Long and I didn't get a lot of support to have a separate meeting on this topic. We have committed to bringing this up at the Ward 4 meeting on October 28, 2013 at 6:00 p.m. here at City Hall. We will have a couple of other speakers at the Ward 4 meeting and this item will be one of three things discussed. We want to give citizens the opportunity come and speak at the Ward 4 meeting.

This ordinance was left on the Second Reading.

New Business:

VAC 13-4478 (Twin Creeks Village Lot 19B4): An ordinance approving VAC 13-4478 submitted by McClelland Engineering Consulting for property located at 163 Van Asche Loop, to vacate a portion of a drainage easement, a total of 0.03 acres.

City Attorney Kit Williams read the ordinance.

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

Alderman Long moved to suspend the rules and go to the second reading. Alderman Kinion seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty was absent during the vote. Alderman Tennant 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 Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Tennant 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 Tennant was absent.

Ordinance 5622 as recorded in the office of the City Clerk

ADM 13-4487 (Links at Fayetteville PZD Modification #3): An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2452 Links at Fayetteville to revise the zoning criteria for Planning Area One, to include Use Unit 18, Gasoline Service Stations and Drive-in/Drive Through Restaurants, as a permitted use, and to revise the architectural design standards at the northeast corner of Wedington Drive and Golf Club Drive.

City Attorney Kit Williams read the ordinance.

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

Justin Jorgensen: I am here with Tom Gordon who is the co-owner of Slim Chickens. We had a POA member of a surrounding property that came to the Planning Commission and expressed some concerns on conceptual ideas. We had two meetings and the applicant and owner agreed on a few items that were requested.

Tom Gordon, President of Slim Chickens stated that he is looking forward to this being his fourth restaurant in Fayetteville and the City of Fayetteville has been a good home to the company.

Alderman Gray 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 Tennant was absent.

City Attorney Kit Williams read the ordinance.

Alderman Petty: On the diagram it shows the building surrounded by parking spaces. What are the underlying design standards of the PZD District? Are they similar to the auto oriented standards we have in our form based codes that would apply to a drive through?

Jeremy Pate: Not that I am aware of. I think it was the commercial uses within this particular PZD that was approved and were loosely based on a C-1 type of zoning district. There is a 20 foot front setback minimum, so it would allow for a building to be closer to the street if they desired to do that.

Alderman Petty: What kind of landscaping requirements would we impose next to Wedington?

Jeremy Pate: It would be a minimum of 15 feet adjacent to the right-of-way. A large amount of right-of-way was dedicated. Trees and shrubs will be planted.

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

Ordinance 5623 as recorded in the office of the City Clerk

Dickson Street Crossing Safety Improvements: A resolution expressing the intent of the City of Fayetteville to enter into a cost-share agreement with Arkansas & Missouri Railroad Co. for crossing safety improvements at the Dickson Street Railroad Crossing, contingent upon approval by Arkansas & Missouri Railroad Co. of Amendment No. 1 to the 2008 trail license agreement and not unreasonably withholding assent to future trail easements for the City.

Matt Mihalevich, Trails Coordinator gave a brief description of the resolution.

Mayor Jordan: A few months ago I visited with the Arkansas & Missouri Railroad. They said this intersection is one of the most hazardous intersections in the State of Arkansas and it is certainly a safety issue.

Alderman Adams stated there was some shock when seeing how much it was going to cost for this project. She stated she was walking on Dickson Street when a car was hit by a train and it was a very scary incident. She believes that when windows are rolled up and music is on it is hazardous. She is in favor of the resolution.

Alderman Kinion: This is a resolution and it isn't actually allocating funds. I am in support of this and I appreciate Matt looking into some options to try and find funding to assist us.

Don Marr, Chief of Staff: The dollar amounts that you have been given are the original estimates without details and the numbers could change. The city is committed to the safety improvement aspect. We are still negotiating with the railroad and hoping that the price will be negotiated better.

Alderman Long: Safety is absolutely the most important consideration. We discussed this at Active Transportation and there are some easements for future trail projects that are contingent on whether we participate in this cost share. I support this.

Alderman Petty: We discussed this at the Active Transportation Committee meeting. It is hard to talk about not spending money when safety is the topic. I think this is an expense we should consider.

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

Resolution 208-13 as recorded in the office of the City Clerk

Fayetteville Energy Improvement District: An ordinance creating a Property Assessed Energy Improvement District coextensive with the City of Fayetteville named "Energy Improvement District No. 1" to facilitate a PACE program and adopting certain provisions related thereto.

City Attorney Kit Williams read the ordinance.

Peter Nierengarten, Director of Sustainability & Strategic Planning gave a brief description of the ordinance.

Alderman Gray thanked Peter Nierengarten for all his hard work and stated it was very exciting to think Fayetteville would be the first city in the state to make this project possible.

John Coleman from Viridian believes this ordinance is appropriate and exciting for Fayetteville to be the first city to adopt this measure. He stated there has been a lot of leadership and support by many groups and individuals from Northwest Arkansas. He is in support of the ordinance.

Keaton Smith, IberiaBank spoke in favor of the ordinance.

Joe Tucker, small business owner of an insulation company spoke in favor of the ordinance.

Alderman Marsh stated that she appreciated Peter Nierengarten and the Green Economy Group for their work on this issue. She stated that the PACE program is about creating green jobs by issuing bonds to finance low interest loans for energy efficiency improvements. She is in favor of the ordinance.

Alderman Marsh 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 Tennant** 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 Long** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Tennant** was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan thanked Peter Nierengarten, John Coleman, Keaton Smith and Council for all their work on this issue. He stated he likes the idea that a family on a lower to moderate income would be able to winterize their home and save money on their utilities. He stated this was the driving factor for this ordinance and it is about community taking care of community.

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

Ordinance 5624 as recorded in the office of the City Clerk

Amend Chapter §71.052 "U" Turns: An ordinance to repeal §71.052 "U" Turns and to enact a new §71.052 "U" Turns into the Fayetteville Code to permit "U" Turns on streets with medians.

City Attorney Kit Williams read the ordinance.

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

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Adams stated a lot of conversation took place on this topic at the Street Committee meeting and that Chris Brown provided valuable experienced input.

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

Ordinance 5625 as recorded in the office of the City Clerk

Amend Chapter 115 Pawnbrokers: An ordinance amending Chapter 115: Pawnbrokers of the Code of Fayetteville, renaming it to Chapter 115: Pawnbrokers and Secondhand Dealers, requiring licensure of secondhand dealers and requiring electronic reporting of certain items purchased by secondhand dealers.

City Attorney Kit Williams read the ordinance.

Greg Tabor, Chief of Police gave a brief description of the ordinance.

Alderman Long: Ordinance Review Committee looked at this, but forwarded it to the Council with a neutral recommendation. The only thing we couldn't come to a consensus on was the section about costume jewelry. One of the public input concerns that we received feedback on was from the owner of Cheap Thrills. They would have to discontinue their jewelry section of their business. Cheap Thrills is a long standing Fayetteville business and I would hate to see us do anything that would hurt them. They do not have the staff and technology capabilities. I would like to see us exclude costume jewelry.

A discussion followed about the definition of costume jewelry.

Campus Book Store Representative, Dickson Street request that the ordinance be held to give more time for further review.

Alderman Marsh: What about stolen text books and is that an issue we are having in our community?

Chief Tabor: We have had some occasions of stolen text books. We elected not to include text books in this ordinance.

Alderman Marsh: Why?

Chief Tabor: It comes down to identification. Text books don't have serial or model numbers.

Alderman Long moved to amend the ordinance to remove costume jewelry. **Alderman Kinion** seconded the motion. *The motion and second was withdrawn.*

This ordinance was left on the First Reading

Boston Mountain Solid Waste District: An ordinance waiving the requirements of formal competitive bidding and approving a contract with the Boston Mountain Solid Waste District in the amount of \$25,000.00 for an environmental and recycling education program.

City Attorney Kit Williams read the ordinance.

Brian Pugh, Waste Reduction Coordinator gave a brief description of the ordinance.

Louise Mann asked Brian Pugh what would be received for the \$25,000.00. She wanted to know if the information was going to be for adult or children education. She stated she would like to know what the goal of the program is and how long it is going to last.

Brian Pugh: The program will be for children and adult education. We will have a presence in the schools. This position will also be able to go to civic organizations and do presentations. The goal is to educate people on our solid waste and recycling issues. We feel that we can put together programs with Washington County to help us reach those goals. We have only one landfill in Northwest Arkansas. We need to try and preserve it for as long as we can. This program will be geared towards trying to educate people on the resources that we have available to us.

Louise Mann: How will the success of the program be measured and is baseline data being collected?

Brian Pugh: That is a good question. I would be happy to speak with you in trying to develop metric goals.

Don Marr, Chief of Staff: Washington and Madison County have shared educators this last year while the City of Fayetteville did not participate in the education program. During the Council's budget session last year we were asked about dedicated head count for recycling education and waste reduction at the youth and adult levels. Approved in the budget last year was a dollar per household amount to go towards both education and promotion of our solid waste services and activities to focus on the increased participation of recycling with a goal of 70% by 2015.

Don Marr continued to speak about the program and explain the many benefits it offers.

Alderman Petty: I do not see any mechanism for us to end the contract in the middle of the year if we aren't satisfied with the service and performance?

City Attorney Kit Williams: You would have to sue for breach of contract if they were not providing services you believed were required under the contract. We do not do that very often and some of our contracts have an automatic out where it says either party can withdraw the contract within 30 days. Usually you don't see that because in reality you only have a 30 day

contract and either party can end the contract. This one does not have that and if you felt like they were not performing the contract according to what we want them to do, we would have to tell them we aren't paying anymore. This would breach the contract and a law suit might be filed.

Alderman Petty: This is my concern and I think the contract is pretty general. It says that education will be provided to certain groups and for a certain number of hours over the year. Beyond that it doesn't say anything. I am wondering where our oversight is other than budget review.

Brian Pugh: Each year there will be annual reports given to the city detailing the presentations and education that were provided to the residents of Fayetteville. This might alleviate some of your concerns.

Alderman Petty: It would once a year.

Alderman Gray stated that she read in the contract that it includes details and statistics regarding the number of Fayetteville citizens served by the education services.

Alderman Petty: I don't think a report provided by January 31st for the prior year after we have already authorized the budget and renewed the contract is going to be useful to us. I prefer something that allows us more flexibility as far as hiring and firing.

Alderman Marsh: What about every six months or quarterly?

Alderman Petty: I still don't think that addresses the broader concern that we don't have better oversight on what is being taught. Staff has offered to figure out what the metrics should be. Why don't we let them figure it out and put it in the contract?

Don Marr, Chief of Staff: Any revisions we make will have to go back to the Boston Mountain Solid Waste District Board to be voted on. It is fine if the Council does not want to do this. We believe there needs to be an effort in education of our citizens, in waste reduction and waste minimization. Outside of trying to design every piece of curriculum, we are relying on educators. We are currently using the City Council's Solid Waste Plan and these goals and plans were adopted by the Water and Sewer Committee. This is the education information that we are passing on to the educators in terms of what we want them to do. If you want more specific items we will need more direction than what is already approved in the current plan.

Alderman Petty: My concern is that the Boston Mountain Solid Waste goals are different than the goals of the City of Fayetteville. We have the most robust solid waste program in the state and the contract we sign with an educator should reflect that.

Brian Pugh: I have worked with educators in Washington County and Boston Mountain. I find them to be very professional and motivated to do the right thing in terms of trying to increase the knowledge of recycling and waste reduction.

Alderman Gray: I think Mr. Pugh does an excellent job with our Solid Waste Division. I value his opinion in this and I feel personally he will be overseeing what they are doing. I feel quite confident that education in this area is paramount.

Brian Pugh: We have a very good system set up in our school districts. The school district has a sustainability coordinator that we work through to provide educational opportunities for the school kids. We have resources in place with people who have a lot of knowledge that can help us to develop these programs.

Don Marr, Chief of Staff: It is the Solid Waste Divisions intention to add a full time educator to the City of Fayetteville, with Council support we will ask for that position at our next rate study and that meeting is scheduled the last quarter of this year. Our current rate study doesn't include this position.

Alderman Kinion: I see this as a similar relationship that we have with the Beaver Watershed District and Illinois Watershed District. I know through the Water, Sewer and Solid Waste Division we value these relationships. They are transparent and a partner in the goals that we have for the City of Fayetteville. With this type of respect and working relationship that we have established, the return on the investment of the taxpayer's money has been a wise investment. I think quarterly reports would be good through the Water, Sewer and Solid Waste Committee. To micromanage \$25,000.00 on a shared employee is a lot to ask in a partnership. If we don't get the value of this, then we have the opportunity to not continue our relationship. When you have a contract for education they have to meet the goals of your education program. They are well defined through the division and well defined through the committee that looks at this activity. I believe this is the ideal situation with a good opportunity until we can hire our own educator. I think the contract is valid and workable.

Alderman Adams: This is an opportunity to influence the outside region of our city.

Alderman Marsh: I am uncomfortable about us measuring the success of our program by the participation rate, rather than the diversion rate. It is not how many people are putting their pop can in the recycling bin as opposed to how much waste we are diverting from the landfill. I think that would be a better measure for success.

Brian Pugh: I am glad you said that. Newspaper volume has gone way down and the tonnage that we have collected the last four or five years has been lower than what they were in 2008. This is not because people are participating more in our recycling program, this is because people are not getting the newspaper as much as they used too. When you look at participation rates that is somebody setting the bin out at the curb. That isn't necessarily everybody diverting all the materials they can put into that container.

Alderman Long: I think it would cost more than \$25,000.00 a year to measure our diversion rate because we would have to have more staff to do that. I think this is a good return on our investment for the short term.

A discussion continued about the environmental and recycling education program.

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

City Attorney Kit Williams read the ordinance.

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Kinion seconded the motion. Upon roll call the motion failed 3-4. Alderman Schoppmeyer, Gray and Kinion voting yes. Alderman Adams, Long, Marsh, and Petty voting no. Alderman Tennant was absent.

This ordinance was left on the Second Reading

Amend Rules of Order and Procedure: A resolution to amend the Rules of Order and Procedure of the Fayetteville City Council A. City Council meetings 7. Presentation of Agenda Items by adding a new subsection a. Agenda items not included within the Tentative Agenda packet.

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

Alderman Gray: It seems very reasonable to me.

Alderman Petty moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-0. Alderman Tennant was absent.

Resolution 209-13 as recorded in the office of the City Clerk

City Council Agenda Session Presentations:

City Council Tour:

December 2, 2103 – 4:00 PM – Mt. Kessler

Announcements:

Alderman Kinion: Thursday, October 17, 2013 is the Water and Sewer Committee meeting.
Don Marr: There is no Agenda Session October 22, 2013. It is a five week month.

Budget Planning Session will be November 9, 2013.

The Marion Orton Recycling Facility grand opening will be October 26, 2013 at 10:00 a.m.

The Ward 3 cleanup is October 26, 2013 from 7:00 a.m. to 2:00 p.m. It is located at the Elks Lodge and Vandergriff Elementary.

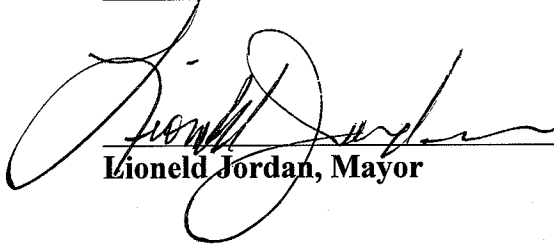
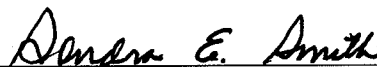
We are having a free mulch giveaway in October.

October 26, 2013 is the Papers and Pills Event. This is paper shredding and return of unused or outdated medication. It will be located at World's Gym parking lot on College Avenue from 10:00 to 2:00 p.m.

A detour is currently taking place on Martin Luther King Boulevard between Block Street and South College. It is closed for repairs of a failing stone culvert. The plan is for it to reopen Friday, October 18, 2013.

In celebration of the American Humane Society Association, the National Adopt a Dog month is this October. We are offering half off the normal adoption fee for dogs.

Adjournment: 8:35 p.m.


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