Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

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

City of Fayetteville Arkansas
City Council Meeting Minutes
November 05, 2013

A meeting of the Fayetteville City Council was held on November 05, 2013 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

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

Pledge of Allegiance

Mayor's Announcements, Proclamations, and Recognitions:

City Council Meeting Presentations, Reports, and Discussion Items:

Fayetteville Town Center Report – Sandra Bennett

A copy of the report is attached.

Agenda Additions: None

Consent:

Approval of the October 15, 2013 City Council meeting minutes.

Approved

Preferred Office Products, Inc.: A resolution authorizing the purchase of six (6) Cannon copiers in the total amount of $40,468.26, pursuant to a state procurement contract, from Preferred Office Products, Inc. of Fayetteville.

Resolution 210-13 as recorded in the office of the City Clerk

Scruggs Equipment of Memphis, Tennessee: A resolution authorizing the purchase of one (1) Elgin Crosswind sweeper from Scruggs Equipment of Memphis, Tennessee in the amount of $223,002.00, pursuant to an NJPA Cooperative purchasing agreement, for use by the Transportation Department, and approving a budget adjustment.

Resolution 211-13 as recorded in the office of the City Clerk

Bid #13-43 Southern Tire Mart, LLC: A resolution awarding Bid #13-43 and authorizing a contract with Southern Tire Mart, LLC in variable amounts for tire recapping for a period of one (1) year with automatic yearly extension for up to four (4) years.

Resolution 212-13 as recorded in the office of the City Clerk

Bid #13-49 MHC Kenworth of Springdale: A resolution awarding Bid #13-49 and authorizing a contract with MHC Kenworth or Springdale in the amount of $158,000.00 for the purchase of one (1) pothole patcher truck, and approving a budget adjustment.

Resolution 213-13 as recorded in the office of the City Clerk

Bid #13-50 Pick-It Construction, Inc.: A resolution awarding Bid #13-50 and approving a contract with Pick-It Construction, Inc. in the amount of $130,900.00 for the renovation of concession areas and restrooms at Walker Park, approving a ten percent (10%) project contingency and approving a budget adjustment in the amount of $16,760.00.

Resolution 214-13 as recorded in the office of the City Clerk

Arkansas Historic Preservation Program: A resolution approving a grant agreement with the Arkansas Historic Preservation Program in the amount of $1,200.00 for travel and training expenses in support of the Fayetteville Historic District Commission; and approving a budget adjustment recognizing the grant revenue.

Resolution 215-13 as recorded in the office of the City Clerk

Hazmat Services Revenue: A resolution approving a budget adjustment in the amount of $4,328.00 recognizing hazmat services revenue to the Fire Department, and authorizing an increase in the related expense budget.

Resolution 216-13 as recorded in the office of the City Clerk

RFP #13-11, Access Control and Security System – Contract: A resolution awarding RFP #13-11 and authorizing a contract with Royal Communications, Inc. for an access control and security system for a period of one (1) year with four (4) automatic renewal options.

Resolution 217-13 as recorded in the office of the City Clerk

RFP #13-11, Access Control and Security System – Phases 1-3: A resolution authorizing the first three phases of RFP #13-11 with Royal Communications, Inc. for access control system installation for the Police Department, Solid Waste and Recycling and Fayetteville Executive Airport-Drake Field, authorizing a ten percent (10%) project contingency, and approving a budget adjustment.

Resolution 218-13 as recorded in the office of the City Clerk

Energize NWA Grant: A resolution approving acceptance of an Energize NWA grant from the Endeavor Foundation in the amount of $39,940.00 for the construction of three bikeway routes linking the Razorback Greenway with the University of Arkansas and Fayetteville Public Schools, and approving a budget adjustment.

Resolution 219-13 as recorded in the office of the City Clerk

2013 Arkansas Department of Environmental Quality Grant: A resolution authorizing acceptance of a 2013 Arkansas Department of Environmental Quality Grant through the Boston Mountain Solid Waste District in the amount of $30,000.00 for the purchase of indoor apartment recycling containers, and approving a budget adjustment.

Resolution 220-13 as recorded in the office of the City Clerk

Fayetteville Transportation Plan: A resolution to express the intent of the City Council to fund a Transportation Plan in the amount of $250,000.00 to $500,000.00.

Resolution 221-13 as recorded in the office of the City Clerk

Ruby Architect's, Inc.: A resolution to approve a contract with Ruby Architect's, Inc. in an amount not to exceed $13,570.00 for architectural services for the Woolsey Homestead and to approve the attached budget adjustment.

Resolution 222-13 as recorded in the office of the City Clerk

Lose & Associates, Inc.: A resolution awarding RFQ #13-13 and authorizing a contract with Lose & Associates, Inc. in an amount not to exceed $86,735.00 for landscape architectural, architectural and engineering services for the design of a regional park master plan and a preliminary grading and drainage plan, and approving a ten percent (10%) project contingency.

Resolution 223-13 as recorded in the office of the City Clerk

PPL 13-4437 (Skillern Road Master Street Plan Amendment/Oak Creek): A resolution for PPL 13-4437 amending the Master Street Plan removing the extension of Skillern Road, a principal arterial, between Oakland Zion Road and Mission Boulevard, as described and depicted in the attached map.

Resolution 224-13 as recorded in the office of the City Clerk

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

<u>Unfinished Business:</u>

Amend UDC Height and Setback Regulations: An ordinance to Amend §§161.16, 161.18, 161.19, 161.20, 161.21, 161.22, 161.23, 161.24, and 161.25 to change setbacks and stepbacks for adjoining property and height limitations for several districts and to amend §164.11 Height and Setback Regulations; Exceptions to reduce or eliminate setbacks in certain circumstances, to require wider sidewalks for buildings higher than 36 feet and to provide a building height variance for buildings receiving LEED Gold Certification and meeting other requirements, and to amend §156.02 (F) to authorize a requirement for a height variance applicant to provide a Viewshed Analysis or Sun/Shadow Study. ***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. This ordinance was left on the Third Reading, Tabled to the November 5, 2013 City Council meeting and referred to the Planning Commission at the October 15, 2013 City Council meeting.***

Jeremy Pate, Director of Development Services gave a brief summary of the Planning Commissions input. He stated the Planning Commission thought the proposed solution was disproportionate to the stated problem that was presented. The standards were too broad and far reaching. He stated there was discussion about the LEED standard requirement for residential or commercial use in buildings above 60 feet. The Commissioners felt the requirement for residential would not function as it was intended. The performance standards mentioned in the buildings that are to be constructed above 60 feet should be discussed on their own merit and not tied to a building height discussion.

Alderman Petty moved to amend the ordinance to change the front property line to 60 feet in Community Services and Downtown General Zoning Districts. Alderman Marsh seconded the motion. Upon roll call the motion to amend passed unanimously.

Alderman Marsh read a statement voicing her support of height limits. She asked Jeremy Pate to discuss the proposed amendments that were developed.

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

Alderman Marsh stated the Dover Kohl plan says how important it is to have residents living in downtown. She believes with a mixed use component there could be services such as a pharmacy or a coffee shop. From a constructability standpoint, building at a zero lot line is difficult to achieve.

Mayor Jordan: If you go up 24 feet, how much is the setback?

Jeremy Pate: Zero. You would be able to build right on the property line.

Mayor Jordan: The stepback would be how much?

Jeremy Pate: Zero to five feet would be that maximum 24 feet. After that 5 feet you would refer back to the current proposal which you could then go up to 36 feet in height. This would add another story to your project.

Mayor Jordan: The other amendment on residential it will go to mixed use?

Alderman Marsh: Yes.

Alderman Petty voiced his opinion and is in favor of the amendments.

Tracy Hoskins, Citizen and Planning Commissioner stated he is concerned about any proposal that would require an investor to use their building for a particular purpose. He believes that it will discourage growth in Fayetteville and spoke in opposition of the proposed amendment.

Steve Cark, President of the Fayetteville Chamber of Commerce stated he has concerns about the amendments. There has not been a study, input session, review or an opportunity for citizens to look at this specific language. He continued to voice his opinion and spoke in opposition of the amendments due to the lack of citizen input.

Tom Overby, owner of a building at 211 North Block stated the information on the amendments is available by viewing the meetings on the city website. He stated he has been in contact with Alderman Marsh and Jeremy Pate and has received information that he requested.

Stephen Smith, Ward 2 resident spoke in favor of the proposed amendments and thanked Council for the work they are doing.

Tony Hickerson, north Fayetteville resident stated our property was a zero lot line and if there had been a five foot setback we would not have been able to build on the lot. He urged that if the whole ordinance passes, the five foot setback change is considered.

Aubrey Shepherd stated a zero lot line is terrifying to a lot of us.

Hathum Alley stated his family owns a property between Church and Block Street. He stated his property was under contract with a developer and the developer decided to not purchase due to this ordinance. He spoke in opposition of the proposed amendments.

Alderman Petty: How many offers or inquiries in a year do you get on your property?

Hathum Alley: We have owned it three years and it has been under contract one time. We have inquiries all the time.

Alderman Petty: Do you turn down most of those because they can't meet your asking price?

Hathum Alley: I haven't actually had someone negotiate a price. They have always called and asked how it is zoned. I have never had anyone say that the price is too high.

Alderman Petty: The building has been vacant the whole time you have owned it?

Hathum Alley: Yes.

Alderman Kinion: With this type of amendment, would it have prevented a structure like the E.J. Ball building from being built on the current property?

Jeremy Pate: The entire proposal as a whole?

Alderman Kinion: Yes.

Jeremy Pate: It would have required changes in that building.

Alderman Kinion discussed the possible buildings that would have been impacted in Fayetteville if the proposed amendments had been in place previously. Discussion continued how the amendments could have a negative economic impact in the community. He stated he would support the amendments, but doesn't think it answers the problem.

Alderman Long: When does the moratorium end?

Jeremy Pate: December 10, 2013.

Alderman Long: I think the amendments make the ordinance less restrictive than it was previously and makes it more flexible. An option would be to send this to the Ordinance Review Committee.

Alderman Tennant: You are suggesting a vote on the amendments and then send it to Ordinance Review Committee?

Alderman Long: Yes.

Alderman Marsh stated she wanted to alleviate Alderman Kinion's concerns about the possible buildings that would have been impacted previously if the proposed amendments had been in place. She went online and viewed the courthouse and the old electric building and stated it would have not been affected by the proposed amendments. The E.J. Ball Building would have required some stepbacks to meet the proposed amendments.

Alderman Schoppmeyer: I did not receive any documentation prior and would like time to read it. We put Kum & Go, the pawnbroker amendment and Boston Mountain Solid Waste District on hiatus for a month. I think it would be prudent to take some time and get input from our citizens. I do not like the ordinance or the amendments.

Alderman Adams: Alderwoman Marsh you asked Jeremy Pate to talk about the amendments that the two of you met about. Someone said we could have contacted you about amendments, some of us may have been working on some amendments ourselves, and I don't think we could have contacted you and had a conversation with you. That would have been in violation. I did not know you were working on amendments but I had some ideas myself. I would like to hear what number three would now say before I vote. I would like to know what mixed use is. When we build a mixed use building what are the consequences?

Jeremy Pate: Are you referring to the removal of the residential use and what that might say?

Alderman Adams: Yes.

Jeremy Pate: One possible wording would be buildings over 60 feet in height shall contain a mixed use component including residential, retail, commercial office, institutional and recreational or any combination.

Alderman Adams: If I wanted to build a very tall house and it was a single family home, can I use what you just stated and put in a one room coffee shop?

Jeremy Pate: They would have to provide parking. Under today's standards, if someone wants to convert an existing home to a business, they would have to ensure there is adequate parking on the lot to meet the demand.

Alderman Adams asked Tracy Hoskins to return to the podium to restate his prior statement for more clarification.

Alderman Long: If Council would like to send this back to Ordinance Review prior to voting on the amendments that would be fine.

Mayor Jordan: Can we do that Kit?

City Attorney Kit Williams: Yes, you can table anytime.

Alderman Marsh stated that the proposed amendment is in the section of code that it is because it is being utilized as an incentive instead of a general use statement. She stated that the proposal is for a midrise walkable downtown, primarily five to six stories. If additional standards are met, then the incentive of building above 60 feet will be granted.

Alderman Adams: Our Attorney's memo expresses some concern about the constitutionality of incentives for the Unified Development Code.

City Attorney Kit Williams: I am not sure if incentive zonings are allowed in Arkansas. This is something we have not seen before. It is not in the state statutes to give us that power. It doesn't mean that it would be illegal and unconstitutional. I had concerns about the approval that we would be providing to developers wanting to build above 60 feet. It would not be an approval from us, but an approval from an unaffiliated, independent non-profit corporation who would grant whether or not it is a LEED certified gold building. This concerns me because currently we place requirements on people and they have to meet our city requirements, not third party requirements. I am especially concerned if someone tries to build a LEED certified gold building above 60 feet and the Green Council refuses to say they are LEED certified gold. What are we going to do then? I am concerned this could cause litigation.

A discussion continued about the amendments.

Tracy Hoskins, Planning Commissioner voiced his opinion and concerns about the proposed amended ordinance.

Aubrey Shepherd voiced his opinion that the item should be tabled.

Tom Overby, 211 North Block voiced his opinion that the focus should remain on making appropriate height changes.

Bob Estes, Ward 4 Resident and representing Nina Shirkey stated his opinion and ask that the Ordinance Review Committee review the ordinance with the advice of City Attorney Kit Williams. He requested an ordinance to be crafted that will provide the protection for owner occupied homes in the Main Street center and Downtown General Zoning Districts.

Nina Shirkey, 229 North Block voiced her opinion and is in favor of the proposed ordinance. She believes that it will encourage people to build with more creativity and sensitivity.

Kathy Voight, voiced her opinion and is in favor of the proposed ordinance.

Steve Clark, Fayetteville Chamber of Commerce voiced his opinion and is in opposition to the proposed ordinance. He believes more citizen input and time is needed for the development of the ordinance.

Alderman Marsh: You take pride in our sign ordinance. I recall when that ordinance was proposed, the Chamber of Commerce came out against it. Is that correct?

Steve Clark: That is correct. The Chamber came out against it because at that time the standards that were being articulated in the city, the Chamber felt the ordinance was not best drafted as it was presented. It is not the Chamber's role to set policy, it is the Council's role. When Council set the current policy the Chamber said this is the policy we believe in, we will defend it and promote it.

Alderman Marsh: Thank you for clarifying that it is not the Chamber's role to set policy.

Ann Diallo voiced her opinion and believes that residential historical neighborhoods need protection.

Alderman Petty voiced his opinion. He doesn't believe that developers will travel north to build due to the implementation of the proposed ordinance.

Alderman Gray stated she can't support the amendment because it makes the ordinance more complicated. She doesn't believe citizens have been informed well and wants the ordinance simplified.

Alderman Marsh stated that it is common practice around the country to have incentives tied to LEED standards.

Alderman Marsh moved to amend the ordinance to the proposed amendments suggested at the City Council meeting. Alderman Petty seconded the motion. No vote was taken on the amendments.

Alderman Petty moved to table the ordinance to the December 3, 2013 City Council meeting and send it to the Ordinance Review Committee for review. Alderman Long seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was Left on the Third Reading, Tabled to the December 3, 2013 City Council meeting and sent to the Ordinance Review Committee.

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. This ordinance was left on the Second Reading at the October 15, 2013 City Council meeting.***
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 6-0. Alderman Long, Marsh, Kinion, Tennant, Schoppmeyer, and Mayor Jordan voting yes. Alderman Adams, Gray, and Petty were absent during the vote.

City Attorney Kit Williams read the ordinance.

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

Alderman Long: I have had an outpouring of support from people who live in the Mount Comfort area that want a convenience of some type.

Alderman Adams: This was discussed at the Ward 4 meeting and most people in attendance were for the rezoning. A few were against it because they do not want it to look like Wedington Drive with so many businesses.

Alderman Gray stated she is in favor of the rezoning. Many citizens she spoke with would like the convenience of access to gasoline in this section of town.

Alderman Marsh voiced her opinion and stated she is supporting city staff with their recommendation of zoning it Community Services.

Alderman Petty: In Community Services is a screening wall between 24 and 36 inches required between the sidewalk and the gasoline pumps?

Jeremy Pate: It is between 32 and 42 inches.

Alderman Petty: You are familiar with the Kum & Go development at Township and College. Can you characterize the changes that would have to be made to their existing landscaping if it were zoned in Community Services?

Jeremy Pate: The primary change would be screen walls or other pedestrian improvements adjacent between the drive aisles, pump islands and the sidewalk. We have a specific code that was adopted a few months ago by Council to address design standards for convenience stores and gasoline stations. This is to enable them to be constructed in form based zones because we found challenges to that previously. At this particular sight, some of the freestanding walls would meet the requirement for the screening. It doesn't always have to be a continuous wall.

Alderman Petty: It could be screened with landscaping?

Jeremy Pate: That is correct.

Alderman Petty stated he doesn't see a big difference between that requirement and what has been built on other sights. He stated there had been miscommunication with Kum & Go and the requirements they were supposed to do. He stated the city's preferred layout was to put the pumps at the back of the property and the building to the side. He believes this proposed rezoning has been cast as either you are for commercial or you are not.

Rob Waddell, Kum & Go: When I look at site selection there are major attributes I look for. I look at drive by traffic, access and visibility. When I read the code for Community Services it was talking about fueling canopies and when pumps are visible from the street there is a requirement of 32 to 42 inch masonry wall or a hedge row. If I was on Mount Comfort and I had my pumps parallel with Mount Comfort wouldn't I need a hedge wall?

Jeremy Pate: There are three options. It could be screened from the street side with walls adjacent to the pump islands. A wall that is out next to the sidewalk between the drive aisle and sidewalk or a hedge row also between the drive aisle and sidewalk.

Rob Waddell continued to voice his opinion and is in favor of the rezoning, but stated he can't support Community Services.

Alderman Marsh: Jeremy, please confirm the height of the screen wall.

Jeremy Pate: It is 32 to 42 inches in height.

Alderman Marsh: How tall is the fueling canopy?

Rob Waddell: The bottom of the deck is 15 feet.

Alderman Marsh: You are concerned that the 32 inch wall will prevent visibility of the canopy?

Rob Waddell: The pumps. I use the McDonald's analogy. I do not stop at McDonald's if I see there are 15 cars in the drive through. It is the same concept with the pumps. A lot of people won't stop if the pumps are full and people want to know if the pumps are full.

Alderman Marsh: If they don't stop, where is the nearest gas station?

Rob Waddell: It is over a mile away on Wedington.

Tracy Hoskins stated he is a fan of Community Services. He believes the project is a good example of urban design. He stated the project makes sense for this corner and is appropriate.

Leonard Gabbard, Consultant Engineer voiced his opinion and is in favor of the rezoning. He believes Kum & Go should be on this corner and would love to see Kum & Go developed.

Mike Emery stated he lives in walking distance of the proposed site and feels that the area is underserved. He is in favor of the rezoning.

Wyatt Hobbs, Mount Comfort Road resident stated he is in favor of the rezoning. He believes that safety and convenience are high priorities.

Joan Hays, Property Owner stated that she took a long time in deciding to sell her property to Kum & Go. She believes that the area is in need of services. She stated safety is a high priority and visibility is crucial.

Alderman Marsh gave an illustration on heights. She stated that she doesn't believe any significant vision obstruction would occur if a wall was built.

Alderman Adams stated she appreciates the City of Fayetteville staff for all the work on the project. She believes that Kum & Go would be a very beneficial business to nonautomotive customers.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-2. Alderman Marsh and Petty voting no.

Ordinance 5626 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. ***This ordinance was left on the First Reading at the October 15, 2013 City Council meeting.***

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams gave a brief description about a revised Exhibit A. He stated the only thing that changed is under the definition of second hand dealer. It talks about automated kiosk systems that take cell phones and tablets. He stated they have protection devices to eliminate theft of electronics. He would like for the kiosk company to report to the Police Department.

Alderman Adams moved to amend Exhibit A to add "used property for profit through the use of an automated kiosk". Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

Alderman Long stated that the Ordinance Review Committee was not able to come to an agreement in regards to costume jewelry. He believes that it is being over regulated for a small expense.

Harriett, Owner of Cheap Thrills stated she purchases many pieces of costume jewelry from the public. She would have to hire an extra employee to list every piece of costume jewelry she purchases. She stated she would have to stop buying costume jewelry from the public if it was not excluded from the ordinance.

Jessica Graham, Mae's Emporium stated she is the only shop in Fayetteville to exclusively sell vintage costume jewelry. She stated it would not be cost effective for her to list all the costume jewelry due to the large volume she purchases. She continued to voice her opinion and spoke in opposition of adding costume jewelry to the ordinance.

A discussion followed about the definition of costume jewelry.

Alderman Schoppmeyer: Would this ordinance put us more in line with Springdale, Bentonville and Rogers?

Greg Tabor: It is my understanding that Springdale, Little Rock and North Little Rock have an ordinance that is similar to this.

Alderman Long: Do those ordinances include costume jewelry?

Greg Tabor: I do not know the answer to that. I understand they are very similar to our ordinance.

Alderman Long stated we are excluding used textbooks. People can get a lot more money for a used textbook than costume jewelry.

Alderman Adams stated that she believes costume jewelry is different than textbooks. She believes costume jewelry has more sentimental value to people.

Alderman Schoppmeyer: Sentimental value means a lot more than a dollar figure.

Alderman Long: The costume jewelry sold in a resale store might cost $5.00, but the designer jeans might be worth up to $100.00 used.

Alderman Gray: What was the reason you said we were not including textbooks?

Greg Tabor: The example would be that your chemistry textbook and my chemistry textbook look the same. There are not any significant identifying numbers. The necklace that Alderman Adams is wearing does not have a serial number. If she went into a resale shop and saw it, she would be able to identify the necklace as hers.

Harriett, Cheap Thrills owner continued to voice her opinion and stated she felt penalized if costume jewelry is not excluded from the ordinance.

A discussion continued about the purchasing of costume jewelry, precious metals, silver and gold.

Alderman Long moved to amend the ordinance to exclude costume jewelry. Alderman Marsh seconded the motion. Upon roll call the motion failed 4-4. Alderman Long, Marsh, Kinion, and Petty voting yes. Alderman Adams, Gray, Tennant, and Schoppmeyer voting no.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5627 as recorded in the office of the City Clerk

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. ***This ordinance was left on the Second Reading at the October 15, 2013 City Council meeting.***

Alderman Petty 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.

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

Alderman Petty thanked Brian Pugh for the work he did and meeting request that he made.

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

Ordinance 5628 as recorded in the office of the City Clerk

Public Hearing:

Destiny Limousines, LLC, DBA Transportation Services: A resolution granting a Certificate of Public Convenience and Necessity to Destiny Limousines, LLC DBA Ambassador Transportation Services for the operation of two (2) to six (6) taxicabs and one (1) to two (2) limousines in the City of Fayetteville.

Mayor Jordan Opened the Public Hearing

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

Jason Campbell, Down Under Taxi voiced his opinion and spoke in opposition of the resolution.

Alderman Tennant: Do you have an office and where is it located?

Jason Campbell: It is in Lowell.

Alderman Tennant: Do cabs park in front of the Walton Arts Center?

Jason Campbell: We park there if there are no motorcycles there.

Alderman Tennant: How many years have you operated?

Jason Campbell: Five years in Fayetteville.

Alderman Marsh: How many of your cabs are being utilized regularly?

Jason Campbell: Every one of my cabs are being used on Dickson Street and we have a 20 minute turnaround time picking up passengers.

Stewart Larrabee, Fayetteville Taxi voiced his opinion and spoke in opposition of the resolution.

Alderman Marsh: What is your cab utilization rate?

Stewart Larrabee: All of them on the weekend.

Alderman Marsh: What is your meter rate?

Stewart Larrabee: $3.25 for meter start. $2.50 per mile and $1.50 for an extra person.

Brice Curry, Dynasty Transportation voiced his opinion and believes the current ordinance needs revised. He stated it says if you do not have a license in Fayetteville you may bring a customer into Fayetteville from another city, but you are not allowed to take them back out of town.

Dane Zimmerman, Ambassador Transportation voiced his opinion. He stated he is requesting the permit so that he may bring customers into Fayetteville and pick them up.

Alderman Long: I have a friend and family member who benefits monetarily from one of these companies and I am recusing myself.

City Attorney Kit Williams: I believe there is some confusion. Our ordinance says that we can prohibit the operation of taxi cabs upon the streets of the city without having first obtained a Certificate of Public Convenience and Necessity from City Council. It's not whether they are bringing someone here or taking somebody out. If they are operating on our streets as a taxi, then according to our ordinance a Certificate of Public Convenience and Necessity should be obtained to not be in violation with our ordinance.

Alderman Tennant stated he normally allows the market to decide for things to happen. In this particular case he is worried about granting more permits and doesn't think more non Fayetteville based businesses should come in. He stated he owes it to citizens to define necessity and does not see the necessity for more cabs in Fayetteville.

Alderman Marsh stated we are seeing a high utilization rate of existing cabs. She agrees that some issues do need to be addressed.

Alderman Petty stated the ordinance needs to be reviewed. He believes a Regional Taxi Authority might be needed. He stated he believed there is a necessity for more taxi service.

Alderman Adams stated the current local taxi companies did not take 20 minutes to pick up University of Arkansas students from an event last weekend. She does not believe there is a necessity for more taxi service.

Alderman Gray requested Jason Campbell to return to the podium.

Jason Campbell stated he believes that a 20 minute wait to be picked up by his company is acceptable.

Mayor Jordan Closed the Public Hearing

Alderman Petty moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the motion failed 3-4. Alderman Marsh, Kinion, and Petty voting yes. Alderman Adams, Gray, Tennant, and Schoppmeyer voting no. Alderman Long recused.

This resolution failed.

<u>New Business:</u>

Marathon Equipment Company: An ordinance waiving the requirements of formal competitive bidding and authorizing a contact with Marathon Equipment Company in the amount of $26,996.00 plus applicable freight and taxes for the purchase of a main body cylinder for the Solid Waste and Recycling Division, and approving a budget adjustment.

City Attorney Kit Williams read the ordinance.

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

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 Marsh was absent during the vote.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5629 as recorded in the office of the City Clerk

VAC 13-4491 (2315 & 2319 N. Marks Mill Ln./Zweig): An ordinance approving VAC 13-4491 submitted by Alan Reid and Associates for properties located at 2315 & 2319 North Marks Mill Lane to vacate an utility easement, a total of 1,363 square feet.

City Attorney Kit Williams read the ordinance.

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

Alan Reid, Land Surveyor stated he is in agreement with city staff.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5630 as recorded in the office of the City Clerk

VAC 13-4493 (491 Fairway Ln./Jarrett): An ordinance approving VAC 13-4493 submitted by Gray Rock LLC for property located at 491 East Fairway Lane, to vacate utility easements, a total of 0.13 acres.

City Attorney Kit Williams read the ordinance.

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

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5631 as recorded in the office of the City Clerk

VAC 13-4501 (3466 E. Jasper Ln./Kinney): An ordinance approving VAC 13-4501 submitted by Eric Heller for property located at 3466 East Jasper Lane, to vacate a portion of a drainage easement, a total of 750 square feet.

City Attorney Kit Williams read the ordinance.

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

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5632 as recorded in the office of the City Clerk

VAC 13-4503 (516 & 518 S. Eastern Avenue/U of A): An ordinance approving VAC 13-4503 submitted by McGoodwin, Williams, and Yates for properties located at 516 and 518 South Eastern Avenue to vacate a right-of-way and two alleys on the subject property, a total of 0.19 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 Adams 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 Marsh seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5633 as recorded in the office of the City Clerk

Amend Chapter 151.01 Definitions – Tandem Lot: An ordinance to amend the definition of "Tandem Lot" in §151.01 Definitions of the Unified Development Code.

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 unanimously.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5634 as recorded in the office of the City Clerk

<u>City Council Agenda Session Presentations:</u>

Walton Arts Center Expansion Plans – WAC Staff

Regional Park Presentation – Connie Edmonston, Parks and Recreation

City Council Tour:

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

Announcements:

Alderman Tennant: There will be a Ward 3 meeting on Monday, November 11, 2013 at the Botanical Gardens at 5:30 p.m. We will be discussing the proposed changes to the development code that will enable greater access to urban agriculture.

Alderman Marsh: The Fayetteville Forward Green Economy Group will meet Thursday, November 7, 2013 at 4:00 p.m. at the Chamber of Commerce. On the agenda will be the recently passed PACE legislation.

The Fayetteville Forward Historic and Heritage and Resources group will meet Thursday, November 7, 2013 at 5:00 p.m. at the John Porter Produce Building.

Alderman Gray: The Nominating Committee will be accepting applications through November 22, 2013 for a large number of openings on our Boards and Commissions.

Alderman Long: I will talk with Sondra to schedule a meeting for an Ordinance Review Committee meeting.

Don Marr: Early voting will begin today, November 5, 2013 for the three issues. Election Day is on Tuesday, November 12, 2013.

The final fall ward cleanup will be in Ward 2 on Saturday, November 9, 2013. The location is at the Center Street Church of Christ and Woodland Junior High.

The Budget meeting will be Saturday, November 9, 2013 at City Hall in room 326.

The city offices will closed for Veteran's Day on Monday, November 11, 2013.

A Veteran's Day parade will be Monday, November 11, 2013 at 2:30 p.m.

The Animal Shelter is offering a Free Fall Cat Giveaway on Friday, November 8, 2013.

Between 8:00 p.m. and 6:00 a.m. the west and east bound Fulbright Expressway and south bound College Avenue will have only one driving lane available for the construction work on our Flyover project.

Adjournment: 9:40 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer

Fayetteville Town Center
Annual Report to Fayetteville City Council
October 2013

I. Goals (as stated in Article V, Section 507 of the Lease and Agreement between the City of Fayetteville, Arkansas and the A&P Commission of the City of Fayetteville, Arkansas)

A. Generate increased tourism for Fayetteville.
B. Remain financially viable with all debts and obligations paid timely.
C. Serve the Fayetteville community by use for local, non-profit groups and other community events.

II. Tourism Review

Total Contracts & Events (September – September)

	2011-2012	2012-2013	Variance
Number of Contracts	165	172	4%
Amount of Sales	$327,629.31	$339,387.81	4%
Number of Events	174	260	49%

III. Increased Tourism

The following list represents FTC participation in events during 2012-13 that potentially resulted in overnight guests from outside the NWA area. Because the FTC does not track client guest lists, we have no way to accurately determine revenue associated with each event.

Event Name	Event Date
America In Bloom National Conference	September 20, 2012
Fayetteville Public Education Hall of Honor Banquet	October 4, 2012
Martin Luther King Jr. Banquet	January 21, 2013
American Society of Civil Engineers	March 5, 2013
University of Arkansas NCAA Track Banquet	March 6, 2013
University of Arkansas Towers Banquet	April 26, 2013
Arkansas Republican Party Banquet	April 30, 2013
University of Arkansas Law School Graduation	May 17, 2013
Central United Methodist Church Banquet	June 3, 2013
Ozark Race Classic	June 21, 2013
Trail of Tears Association Regional Conference	July 12, 2013
Arkansas Parks and Tourism Board Meeting	July 17, 2013
Ronnie Brewer Foundation Banquet	August 3, 2013
Kendrick Fincher Hydration Foundation Banquet	August 10, 2013
Arkansas Gas Association Annual Conference	September 22, 2013
Various Wedding Receptions	

IV. Financial Viability Summary

	2012 BUDGET (As of September)	YTD 2013 (As of September)
Budget	$ 299,417.00	$ 315,000.00
Revenue	$ 390,367.00	$ 322,876.00
Expenses	$ 390,981.00	$ 361,080.00

V. Facility Use Summary (September – September)

	2011-2012	2012-2013
Sales (# executed contracts)	165	173
Sales ($ executed Contracts)	$327,629.31	$342,887.81
Collections	$414,870.99	$450,740.16

VI. Non-Profit (September – September)

	2011-2012	2012-2013
Number of Non-Profit Events	19	20
Percentage of Non-Profit Events	8%	8%

The Fayetteville Town Center offers a reduced rate for non-profit organizations which supports their ability to raise funds for their organization. Following is a partial list of non-profit events held at the Town Center.

Event Name	Event Date
Habitat for Humanity	October 8, 2012
March of Dimes	October 18, 2012
Juvenile Diabetes Research Foundation	November 16, 2012
Arkansas Support Network	December 15, 2012
American Heart Association	January 26, 2013
The Miller McNeil Woodruff Foundation	March 29, 2013
LifeSource	May 2, 2013

VII. Community Support

- Fayetteville High School Homecoming Parade
- Farmers Market Award Ceremony
- Free Syria of Arkansas Rally
- Lights of the Ozarks
- Girl Scout Thinking Day
- Fayetteville High School Boys Basketball Banquet

VIII. Feedback

Hairston Reception - "We were extremely pleased with the Town Center as a whole! Very easy to work with and accommodating to our budget

I have already recommended to another bride to be's father! And when asked will definitely recommend using the Fayetteville Town Center!

Lori Blew -"We were so pleased with everything!!!! The facility & staff were excellent...we will recommend The Fayetteville Town Center to anyone that asks!

Thank you so much you all were a pleasure to work with!! The wedding & the reception were perfect & you all were a big part of that!!!

Legal Aid of Arkansas - Many thanks for the use of the facility. Everyone we encounter was friendly and helpful.

IX. Fayetteville Town Center Staff

- Sandra Bennett, Facilities Manager
- Collin Brunner, Director of Sales
- Caroline Franco, Event Coordinator
- Mason McDonald, Event Services Manager

X. Supporting Documentation (not included with report unless otherwise noted)

- Income Statements: Actual vs. Budget 2010 and 2011 – included.
- 2012 General Ledger
- 2013 General Ledger
- Customer Evaluation Summary