

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
December 17, 2013**

A meeting of the Fayetteville City Council was held on December 17, 2013 at 6:00 p.m. 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:

Mayor Jordan asked the students from Ms. Shay Hopper's Woodland Junior High School 9th Grade Pre-AP Civics class to stand and be recognized.

Don Marr, Chief of Staff presented an award to the City of Fayetteville Information Technology Department. He stated the National League of Cities selected the City of Fayetteville in our population category. They selected ten of the top cities for the use of technology, citizen engagement, ability to interact with the public, both in transactions through electronic means. The City of Fayetteville came in second only to Palo Alto, California in the Silicon Valley. He stated we are extremely proud of our IT Department. We received kudos for the creative minds at the city. This is a huge award and we are extremely proud of their work. We would also like to thank the Council for your budget authorizations in technologies over the last several years. We appreciate your support.

City Council Meeting Presentations, Reports and Discussion Items:

City Board of Health – Appointments must be made by the mayor and approved by the City Council to serve during the term of the appointing mayor.

Mayor Jordan read the City Board of Health appointment and recommended Shana Kasperek.

A copy of the report is attached.

Public Facilities Board - Members must be nominated by a majority of the board and appointed by the mayor subject to confirmation of the governing body of the City.

Mayor Jordan read the Public Facilities Board appointment and recommended Hugh Earnest.

A copy of the report is attached.

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

A copy of the report is attached.

Alderman Gray moved to approve the Nominating Committee Report, City Board of Health appointment and the Public Facilities Board appointment. Alderman Tennant seconded the motion. Upon roll call the motion passed unanimously.

Agenda Additions: None

Consent:

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

Approved

Police Department Policy: A resolution approving Fayetteville Police Department policy 41.2.9 Foot Pursuit.

Resolution 249-13 as recorded in the office of the City Clerk

Cruse Uniform and Equipment, Inc.: A resolution awarding RFP #13-17 and approving a contract with Cruse Uniform and Equipment, Inc. to serve as quartermaster for the Police Department.

Resolution 250-13 as recorded in the office of the City Clerk

Fayetteville Police Department Donation Revenue: A resolution approving a budget adjustment in the total amount of \$3,050.00 recognizing donation revenue to the Fayetteville Police

Department in support of officer service awards, general recognition and repair of the vandalized police memorial monument.

Resolution 251-13 as recorded in the office of the City Clerk

Safeware: A resolution approving the purchase of a hazardous materials decontamination tent from Safeware through a cooperative purchasing agreement, in the amount of \$42,060.74, and approving a budget adjustment.

Resolution 252-13 as recorded in the office of the City Clerk

Bid #13-54 College Shoe Shop: A resolution awarding Bid #13-54 and approving an agreement with College Shoe Shop in the amount of \$22,000.00 for the purchase of wildland firefighting boots for the Fire Department.

Resolution 253-13 as recorded in the office of the City Clerk

General Construction Solutions, Inc. Change Order No. 3: A resolution approving Change Order No. 3 to the contract with General Construction Solutions, Inc. in the amount of \$7,009.00, and approving an additional project contingency in the amount of \$700.00, for the construction of improvements to Mount Sequoyah Gardens.

Resolution 254-13 as recorded in the office of the City Clerk

CDBG Public Facility Lease Program: A resolution approving an amendment to the lease agreement with Prism Education Center for 2190 S. Razorback Road which is part of the CDBG Public Facility Lease Program.

Resolution 255-13 as recorded in the office of the City Clerk

A&P Bond Special Election: A resolution approving a budget adjustment in the amount of \$14,000.00 to provide funding for payment of costs related to the A&P Bond Special Election.

Resolution 256-13 as recorded in the office of the City Clerk

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

Public Hearing:

Mayor Jordan opened the Public Hearing

Razing and Removal Costs for 515 E. Township Street: A resolution certifying to the Tax Collector of Washington County, Arkansas the costs of razing and removal of a dilapidated and

unsafe structure upon the property owned by Marshall Aaron Mahan located at 515 E. Township Street in the City of Fayetteville, Arkansas.

Chad Ball, Code Compliance Administrator gave a brief description of the resolution.

Mayor Jordan closed the Public Hearing

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

Resolution 257-13 as recorded in the office of the City Clerk

Mayor Jordan opened the Public Hearing

Razing and Removal Costs for 1717 S. Stirman Avenue: A resolution certifying to the Tax Collector of Washington County, Arkansas the costs of razing and removal of a dilapidated and unsafe structure upon the property owned by Mary Lou Guthery located at 1717 S. Stirman Avenue in the City of Fayetteville, Arkansas.

Chad Ball, Code Compliance Administrator gave a brief description of the resolution.

Aubrey Shepherd: If the City has a lien on it and it goes up for sale, we should try to purchase that land because it is in the flood plain.

Chad Ball: This is the final few steps. It puts a lien on the property to recoup the cost that the city incurred to correct the violation which was an unsafe building.

Aubrey Shepherd: This would be a suitable place that would not cost much to develop as a garden.

Alderman Marsh: Aubrey raises a really good point. This parcel is actually going to be located on our future trail extension and it is in an area where a lot of people are struggling with food insecurity. A community garden would be a tremendous asset to that neighborhood. I would like to see us take some action to implement Aubrey's vision for this sight.

Alderman Marsh: How do we go about making a community garden?

City Attorney Kit Williams: The lien only gives us the right to recoup our cost if the property is sold. It doesn't give us any property interest in the land itself. If the City Council wants to buy land then you can appropriate the money for it and offer to purchase it from the owner.

Alderman Marsh: Maybe we add that to our list for our Parks Department for consideration?

Mayor Jordan closed the Public Hearing

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

Resolution 258-13 as recorded in the office of the City Clerk

Mayor Jordan opened the Public Hearing

VAC 13-4516 (Brenda Drive, Court and Walton Street/University of Arkansas): Public hearing on the petition of the University of Arkansas to vacate Brenda Drive, Court and Walton Street and alley.

Jay Young, Development Consultants: I don't have any comment at this time. When the ordinance comes up I will be available to give my comments at that time.

Mayor Jordan closed the Public Hearing

Unfinished Business:

VAC 13-4516 (Brenda Drive, Court and Walton Street/University of Arkansas): An ordinance to approve the University of Arkansas' petition to vacate Brenda Drive, Court Street, Walton Street and a thirty foot wide alley all within property owned by the University of Arkansas. ***This ordinance was left on the Second Reading at the November 19, 2013 City Council meeting. This was left on the Second Reading and Tabled to the December 17, 2013 City Council meeting.***

Alderman Tennant 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.

Alderman Long: We discussed this at the Ward 4 meeting. The easement on the north side is directly across from a street called Thomas. Thomas is a very narrow street that two cars can't pass at the same time on and can't handle additional traffic. I have heard from multiple constituents that would like the north entrance of Hotz to remain closed. This will also help prevent traffic filtering from the parking lot back in through the neighborhood which has very narrow streets. I would like to make an amendment to the conditions of approval. It would be a condition of approval number four, stating that the north side of the property will not have an outlet or entrance onto Hotz.

Alderman Long moved to amend the ordinance to state on the north side no outlet onto Hotz Drive. Alderman Adams seconded the motion.

Alderman Petty: I would like to hear from the University or the representative how the amendment would impact their plans.

Jay Young, Development Consultants: City Planning is in agreement that the policy of connectivity, that the city has, should be maintained. They are not in favor eliminating this connection to Hotz Street. The day to day traffic that we are anticipating for these parking lots is going to consist mainly of two different characters of parkers. There will be some long term student parking. Those students will leave their car for the whole week. It won't be come and go traffic for those types of parkers. The other types of parkers we anticipate using the parking lots during the day time are going to be students, staff and faculty parking. Those students, staff and faculty parking are more of a come and go throughout the day type traffic. It's not going to be a mad rush in the morning and evening. They are going to be filtering in and out throughout the day. Those people who are going to be traveling from off campus to park here will most likely take the most direct route to these parking lots. The most direct route will be to come right down Razorback Road. We don't anticipate people trying to meander through winding neighborhoods to get back out to a main road somewhere.

This parking lot as a U of A parking lot will be for permit parking during daytime hours on Monday through Friday, 7:00 a.m. to 5:00 p.m. Outside of those hours this is open to anybody to park in which will be a benefit to these neighborhoods. The connection at Hotz specifically we see that as a benefit to the neighborhoods. Those people that are in these neighborhoods now that have to travel outside of their neighborhoods daily, as they leave, they have to go to an uncontrolled intersection at Hotz and Razorback. When we put this connection in, those travelers will be able to turn, go down the new road and have a traffic signal. It will be a controlled way to turn right or left onto Razorback Road. We see that as a benefit for these neighborhoods.

We are putting in sidewalks and pedestrians will benefit. Pedestrians will be able to walk to the same controlled intersection and safely cross the road. During athletic events this is going to be an athletic parking lot. There will be at those times a large amount of parkers who will be entering and leaving. That is no different than what we have today.

By eliminating this connection on the north, with 850 to 900 parking spaces, it will severely limit the ability for people to efficiently maneuver in and out of these parking lots. It gives greater flexibility in case one of these entrances are ever blocked for an emergency of any kind. I would ask the Council not to accept the amendment.

A discussion followed on possible access points for this parking area.

Alderman Long: At the Ward 4 meeting, Jay Hunnicutt had indicated to Alderman Adams and myself that he would be willing to work with the idea of closing the entrance on Hotz.

Jay Young: My conversations with the University is that they would prefer not to close the intersection on Hotz. It is a benefit to their project and they would like it to remain open.

Alderman Marsh: Would the University be willing to fund some sidewalk and street improvements on Thomas Avenue in exchange?

Jay Young: I wouldn't be able to speak to that. That is not currently in the portion of the project that our firm is working on.

Alderman Marsh: It seem that we have some valid pedestrian safety issues there. Maybe if we could provide a safe route for those pedestrians that might alleviate some of the concerns of the neighborhood.

City Attorney Kit Williams: Any condition that the City Council would want to place upon a vacation should be tied directly to the effect that the vacation might be having. If the City Council determines that there is a direct effect upon something then you can place a condition to try to remedy that effect. It needs to be tied to the vacation and not just because we might need it for some other reason.

Alderman Marsh: It seems like a large volume of cars being discharged onto that street would create a direct impact on the pedestrian safety there.

City Attorney Kit Williams: It is up to the City Council to determine that.

Jay Young: We don't anticipate there is going to be this large volume of cars other than on those six major football games. There is already a large volume of cars and those streets that handle it now will continue to handle it.

Alderman Marsh: Do you anticipate any increase in pedestrian traffic along north Thomas Avenue to people who are accessing their cars in that parking lot?

Jay Young: Most of the people who are going to park here are going to be University students and staff. There are no facilities that are due north along Thomas Avenue. Most of those people are probably going to go on the existing sidewalks and continue to walk to the east to access the locations where they are headed.

A discussion followed regarding pedestrian traffic for the area.

Alderman Petty: At the beginning of the gentleman's statement he mentioned that staff was supportive of the University's planned connection to Hotz based on our connectivity policy. Please explain what that policy is, why we have it and why you are supporting this plan based on it.

Jeremy Pate, Director of Development Services: We have a strong policy of connectivity with our streets. We no longer allow dead end streets, cul-de-sacs, and gated communities. We have a strong policy of connecting streets in both neighborhoods and commercial properties. The reasons behind that are founded in distribution of traffic. The more points you can distribute traffic in an area it reduces congestion on any one road network. Staff is strongly supportive of connecting the streets. The Planning Commission voted 8-0 in support of the policy.

Debra Boddington, Ward 4 resident voiced her opinion and addressed her concerns about street connectivity due to neighborhood traffic.

Spouse of Debra Boddington stated he supports and echoes his wife's remarks. He stated if connectivity is the goal, then he would like the Council to consider improving Thomas Avenue

where it can be passable by two vehicles. He stated if safety for citizens is a concern then Thomas Avenue needs to be fixed.

Alderman Adams: When we vote to vacate streets, those items don't come to the Street Committee. It would be wonderful if we had a Street Committee meeting to consider this and hear from our City Engineer who does a fabulous job with our street planning.

City Attorney Kit Williams: Certainly if it's tabled, then the item can be referred to the Street Committee.

Alderman Petty: Thank you for your suggestion. At the start of this I was against the amendment and now I am waffling. The points that have made about pedestrian safety are especially salient. I can't say that I am in complete support of the amendment yet. I would like the opportunity to try and find some middle way to some of these pedestrian improvements that have been mentioned. Also, perhaps keeping the north-south alignment from being too perfect which is a conversation with the Transportation Committee. I defer to the Ward 4 aldermen on the issuing of tabling, but my preference would be to table it with the amendment not being voted on yet.

Alderman Kinion: I have been cutting through this neighborhood for the past 41 years. For those of us who are native to the area that are always looking for short cuts, this isn't an engineering puzzle, this is a neighborhood situation. To think we have 900 parking spaces that are going out onto Palmer where there is a crazy five way intersection. We need to seriously look at the topography here as well as the narrowness of the streets. Hotz is a precarious street going into the neighborhood. There can be improvements the topography is interesting on how you would improve it. It is not an engineering puzzle. I think it valid to discuss this from a neighborhood point of view. I support this amendment and want to hear more input on it. I believe it is fine to go in front of another committee and to table it. He stated it is a real concern because there are 900 vehicles.

Mike Johnson, Ward 2 and Associate Vice Chancellor for Facilities at the University: I am an engineer and I look at engineering solutions. There are not 900 cars going out through the neighborhood and there won't be 900 cars. The net of what is going on is about 600 to 700 cars. As we build this we are trying to create connectivity and to have vehicles flow in different directions so all 900 don't go in any one direction, let alone Hotz. We are putting sidewalks on all these street links on both sides. We need a multitude of streets where people can spread the 900 cars. Rather than trying to design by ordinance and amendment, let the Planning Department work with us. Whatever we do on the north side of the parking lot, the city needs to deal with improvements on Thomas Avenue. The roads should not be designed for five or six football games a year.

Mr. Johnson discussed the traffic flow, the intersections and the sidewalks in this area.

Alderman Petty: You would like us to table this to have an opportunity to address the entrance on the north side?

Mike Johnson: No. What I am suggesting is that we move forward and allow the Planning group for the city to work with us. We have all heard the concerns and issues and see what we can do to properly direct traffic.

Alderman Long: If those spaces turn over every day we could be looking at 1,400 to 2,100 cars filtering into the neighborhoods every day.

Mike Johnson: No sir.

Alderman Long: Being an experienced person that lives in this area, I have to say that I don't agree with you that the traffic is going to go to Razorback if we have this entrance. If we move forward and pass this tonight, we don't have any control at this government level and we wouldn't have a say so after this. I would be fine tabling it, removing the amendment and sending it to the Transportation Committee. I would like this governing body to have a say in this and we don't have that say if we move forward right now.

Alderman Petty: Can you characterize the impacts this would have on your project if we were to table it.

Mike Johnson: In my ten years, we have made it work and try to work with everybody. We don't always agree, but we normally come up with a solution that reaches a consensus. If we want to go back to Transportation Committee, we can go back and work with it. I think there are some ways to force traffic to go to Razorback, but still allow an entry going south so that people can both get into the parking. People are going to want to go the signals so they can merge into traffic. I am committed to trying to make traffic to go to Razorback, because that is where it needs to go.

Alderman Petty: To follow up on that with the attorney. You mentioned earlier that we were entitled to impose conditions on the vacation if they were relevant. Would imposing conditions for restricted turning movements be considered relevant?

City Attorney Kit Williams: It is your call whether it is relevant. I would be happy to try to defend you if someone challenged the discretion of the City Council in determining that was in fact a necessary condition in order to protect the health and safety of citizens.

Alderman Petty: Thank you. Based on what we have heard tonight, my preference would be to impose a condition of restricted turning movements so that nobody could exit on the north intersection. They would only be able to turn right and also only be able to turn in left there.

Mayor Jordan: What we have before us now is an amendment to close the north entry way.

Alderman Marsh: I would like to see us table it without the amendment. I don't feel like I can support the amendment at this time, not to say I couldn't in the future. I appreciate the concerns about trying to direct the exit traffic out to Razorback, but that doesn't do anything about the entrance traffic. I would like to see drawings that showed the proposed configuration next to the proposed Razorback Road improvements so that we could see the long term.

Mike Johnson: Those designs aren't completely done with the AHTD, nor is our parking lot design completely finished.

Alderman Marsh: You were saying that you had turn lanes planned and signal warrants. I would like to see that information because it is relevant to this decision and I don't feel comfortable just trusting the University and the Planning staff in turning over the Council's ability to weigh in on this decision at this point.

Mike Johnson: The University has nothing to do with the design of Razorback Road. It's done to AHTD and Federal standards.

Mayor Jordan: Let's go back to the amendment. If the amendment fails that does not mean the City Council can't table this and discuss this further. You don't have to pass it tonight. We do have to decide on this amendment or pull the amendment. The University has already said that they are willing to go back and look at this again.

Don Marr, Chief of Staff: In a point of order, anyone can make a motion to table and it is the overriding motion regardless of what amendment is on the table.

Mayor Jordan: That is true.

Alderman Adams moved to table the ordinance to the January 21, 2014. Alderman Long seconded the motion.

A discussion followed about the amendment and tabling of the item.

Upon roll call the motion to table failed 3-5. Alderman Marsh, Adams, and Long voting yes. Alderman Kinion, Petty, Tennant, Schoppmeyer, and Gray voting no.

After discussing the previous amendment of no outlet on the north side onto Hotz Drive the motion to amend was withdrawn.

Alderman Petty: The motion I have is in regards to the northern ingress-egress. The motion is to restrict exiting turning movements to right turning movements only and turning movements into the parking lot to left turning movements only. It would have the effect of restricting traffic from the west.

Alderman Petty moved to amend the ordinance to restrict exiting turning movements to right turning movements only and turning movements into the parking lot to left turning movements only. Alderman Long seconded the motion. There was no vote on the motion.

Jay Young: My comment would be on the left entrance only. This would be a very awkward movement and I ask you to reconsider. Let your amendment be for the right turning movements as the exit to go to Razorback only and not restricted to left turn into this roadway.

Alderman Petty: I am not going to adjust my motion. Those who live in the neighborhood can use the street to the west to access the signal on Razorback. I don't see that as cause for concern.

Alderman Long: It will teach people that are trying to cut through the neighborhood to get into that parking lot off of Hotz, that it is not an entrance they can use. This is what we desire to achieve tonight.

Jay Young: As Mr. Kinion knows, he has been cutting through there for a long time. Whether you have an entrance on Hotz or not, people are still going to cut through. What it does is limit the ability of the turning movement on Hotz, which I understand is the intent of the amendment. The restricting to a left turn off the westbound traffic is an awkward movement from an engineering perspective.

Alderman Kinion: The more stoplights you put on Razorback the more I am going to cut through the neighborhood.

Alderman Marsh: We have serious pedestrian safety concerns in this neighborhood, especially along north Thomas Avenue. I noticed there is another University parking lot with entrances and exits along north Thomas Avenue. I would like to see this sent to the Street Committee and look for opportunities for some cost sharing with the University to make sure their students have a safe route to and from school through these parking lots.

Alderman Adams: I agree. I don't know if it is appropriate for us to ask for input from our own City. I would like for this to be a win/win for the University and for the City. I do trust the University. Mike has done what he said he would do on everything, but we need something in writing that we can all look at. We need to have some drawings and input from our own engineer. If there is no rush, what is wrong with tabling this?

City Attorney Kit Williams: My only caution to the City Council is to make sure that everything works together as you wish. I would like to ask our City Engineer about how we would allow left turns and not allow any right turns. What kind of construction would you have to do on Hotz Drive?

Chris Brown, City Engineer: We would have to restrict access somehow on Hotz. It is a challenge and something we would really have to look at. If you allow left turns, then the right turns follow in line. I don't have a good solution right now.

City Attorney Kit Williams: I think it would serve us to go to the Transportation Committee and meet with the engineers and try to get a good exhibit in more detail. I would like more input from the City Engineer as well as the University Engineer to see how what you want can be accomplished.

Mike Johnson: The University would like to request that this go back to the Transportation Committee so that we can meet with Planning, engineers and representatives from the Council.

Debra Boddington stated due to the complication of the issue she would like to get a better visual, more information and input from experts for the project.

David, Spouse of Debra Boddington voiced his opinion about entrances, exits and traffic flows.

Aubrey Shepherd voiced his opinion about maps for the project.

Alderman Adams moved to table the ordinance to the January 21, 2014 City Council meeting. **Alderman Long** seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was left on the Third Reading and Tabled to the January 21, 2014 City Council meeting.

Amend Chapter 178: An ordinance to repeal §178.03 Sidewalk Vendors and enact a replacement §178.03 Sidewalk Vendors and Food Trucks and to repeal §178.04 Outdoor Mobile Vendors Located on Private Property and enact a replacement §178.04 Outdoor Mobile Vendors Located on Private Property. *This ordinance was left on the First Reading at the November 19, 2013 City Council meeting and tabled to the December 17, 2013 City Council meeting.*

Alderman Marsh moved to table the ordinance to the January 21, 2014. **Alderman Petty** seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was left on the First Reading and Tabled to the January 21, 2014 City Council meeting.

ADM 13-4450 (Pratt Place Inn): An ordinance amending a Commercial Planned Zoning District entitled C-PZD 05-1670 Pratt Place Inn, to revise the hours of operation as listed in Section 1. *This ordinance was left on the First Reading at the November 19, 2013 City Council meeting. This ordinance was left on the Second Reading at the December 3, 2013 City Council meeting.*

Alderman Tennant 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 Petty** was absent during the vote.

City Attorney Kit Williams read the ordinance.

Julian Archer, 2115 West Markham Road: I want to thank the Planning staff for their work and recommendation to modify the PZD which I hope you will enact this evening. The measure they propose is an appropriate and necessary one. I would like you to consider two things in the proposal that has been submitted to you from the Planning Division. Amend it to remove the two year trial period. We have a trial record already and never has there been an incident that we were shut down by the police. There has never been an arrest or noise violation. I would like you to consider going for an amendment that will allow for ten events a year pre authorized, pre notified to the Planning

Department and the Police Department to go until 2 a.m. I would like to suggest that there be at least two off duty police officers present, either Fayetteville Police Officers or University Police Officers.

Mayor Jordan: You want me to just assign two police officers to your event?

Julian Archer: They have to be paid.

Mayor Jordan: Sure and the city would be paying them?

Julian Archer: No, the people who have the event will pay or we will pay.

Mayor Jordan: That will be something you will have to work out with the off duty police officers.

Julian Archer: If you can't get police officers then we can't have it. Your amendment, I hope would say that we will allow you going until 2 a.m. if you give us one week notice and if you have two off duty police officers at your event.

Mayor Jordan: I want to be clear. I am not going to assign two police officers.

Julian Archer: No, I understand that. They would be hired by us to be present there. We would pay for the officers.

Alderman Long: You are bringing this forward because you said there are some hardships being placed on your business due to the hours of operations and is effecting your business model. Do you think that what you are asking for will fix your business model or do you think you will be asking for more changes in the future?

Julian Archer: This is just one aspect of an improvement. We are being reviewed right now by a very prestigious guide and hope to get in that guide. There are a lot of other places that people have as a choice which do not have the same time constraints. This is sending business away from Fayetteville.

Alderman Long: Last year you requested a lot split off of the PZD and that did pass the Council. I would never have voted for that. I don't believe the PZD should be physically modified after it was created because it was created as a buffer. Will you be requesting anymore modifications to the PZD physically?

Julian Archer: I would hope not. This procedure is challenging and I have no desire to put anything before you.

Alderman Long: Have you had any months where you have had over four events?

Julian Archer: That question is not on the agenda. That is not part of the request that I made to the Planning Department and that is not in their report at all.

Alderman Long: I know and that is why I am asking it.

Julian Archer: It is very hard to persuade someone to get married in January or February.

Alderman Long: It's just something we hadn't talked about and we met several times.

Julian Archer: There are certain times of the year that are more popular than others.

Alderman Long: So yes, there are months when you have over four events?

Julian Archer: There are times. When there is a much greater demand.

Alderman Long: If not modified and the business model is not able to adapt, is there a chance that Pratt Place would no longer exist and the land would have to be subdivided or sold?

Julian Archer: We have put every last penny of our resources into this. There is nothing left and no reserve. If it doesn't make a go of it, then the bank will take the property and put it up for auction.

Tom Overby, 1855 West Pratt: I do appreciate Mr. Archer's honest answer that they have had more than four events. The 2005 PZD which he negotiated with you and neighbors said that there would be four events per month. He has violated that and tried to hide it.

Pratt Place Inn is a very nice place and I would like to see it be successful. It is a commercial enterprise in a neighborhood. There were terms discussed, negotiated and worked out because it is in a neighborhood. The cut off of 10:00 p.m. is the reason why you haven't had as many complaints about noise. If you start having them until midnight and 2 a.m., I think the noise complaints will go up. After an event it is not a good place for extra traffic through the neighborhood.

Aubrey Shepherd voiced his opinion about land being subdivided and the topography.

Lynn Wade, 100 North Sang Avenue: I was impressed this evening with the road discussion about the streets. I think you can clearly see that the conditions that were placed by negotiation are greatly driven by safety issue. We ask that you leave the C-PZD unchanged.

William Feldman, 16 North Sang: The noise problem is partially been resolved of the fact that the regulations of the PZD have not regularly followed. Even though they have not always been regularly followed, they have allowed some protection and I would hate to see that protection lost for the neighborhood. The idea of the PZD, we consider it to be something that would last for a while and now several years later it is suddenly being changed and we are forced to confront this change. I ask that you maintain the PZD as it stands and help protect our neighborhood.

Fran Alexander read the August 31, 2005 City Council Agenda memo for historical purposes. She also referred to the September 20, 2005 City Council meeting on rezoning. Ms. Alexander stated the neighbors were not notified of the midnight hour request by the applicant and believes it is a flaw with city policy. She read the conditions of approval for 2005. She stated that last year

the conditions of approval were not binding anymore when the Council voted to allow a piece of the property to be taken out for subdivision rezoning. She also stated it's not binding anymore because of the hours.

Alderman Adams: This is a sad situation for me. Mr. Archer has visited with me several times and I am not going to be able to support this. I appreciate you visiting with me. Every time I have voted on a zoning issue, the first thing I look at is what the neighborhood wants. When I take a tally of this, every person who has written to me doesn't want it. No one has written for this and asked me to support it except the applicant.

Many of you know who were on the Council a couple years ago, I kind of took a black eye by introducing an amendment that we supported and we voted for. I will support citizens to introduce their idea for change or for what they would like to do with their property, but the power is behind what the people in the neighborhood want. If we can make our decision based on that, then the PZD process has some teeth in it. This is just nicking away at it. I did not vote two years ago for the change that the Council did approve because I did believe that the buffer zones were part of that negotiation of 2005 and I wasn't willing to vote to give up the buffer zones. The buffer zones are not just the land, they include the hours of operation and the number of events that occur. People in my neighborhood want Pratt Place to succeed and appreciates what you have done. They have respect for the process of a PZD. The people's government said this is what you get to do.

Alderman Long: I have heard from people who do support this and people who don't support this that live in the neighborhood. I think a lot of people realize that the Pratt Place Inn does improve their property value and so people want it to succeed. Neighbors don't want it to become another housing development if it doesn't succeed. I think there could be a compromise that we could reach. PZD's have to be modified occasionally to fit the need of the community because that is what a PZD is. One reason I don't like PZD's is because we have to set them apart as different.

I am going to offer an amendment that would change the hours from Monday through Saturday from 7:00 a.m. to 11:00 p.m. and Sunday from 7:00 a.m. to 10:00 p.m. I'm not going to offer an amendment on the number of events that can be held until 1:00 a.m. in the morning. To do that I think much more public input would be needed and we haven't had that.

Alderman Long moved to amend the hours of operation to Monday through Sunday from 7:00 a.m. to 11:00 p.m. and Sunday from 7:00 a.m. to 10:00 p.m. Alderman Schoppmeyer seconded the motion.

Alderman Long revised his amendment to state Sunday through Thursday from 7:00 a.m. to 11:00 p.m. and Friday and Saturday from 7:00 a.m. to midnight.

Alderman Gray: Jeremy, did the original PZD limit the number of events per month?

Jeremy Pate, Director of Development Services: It did. Originally I think there were 16 conditions of approval recommended by staff when this came before the Council. Through a series of neighborhood meetings there were agreed upon I think nine or ten extra conditions of approval to staffs original conditions. Two separate conditions were, the hours of operation which we are

discussing tonight and a different condition of approval that limited it to four events per month. That was a separate condition of approval. I think that was what Mr. Archer was trying to say earlier is that it is a separate condition and he is not requesting to amend that currently.

Alderman Gray: Have we ever had a complaint from the neighborhood about more events than four a month?

Jeremy Pate: We have never had a complaint. We had an inquiry recently as part of this discussion. A neighbor submitted an inquiry about how many events per month and if we have that on record. We don't keep those kinds of records. We sent a letter to Mr. Archer asking what the events were and we have not received a response.

Alderman Gray: I think Alderman Long made several excellent points. I think it does improve the value of your property. I think to have that property sold and subdivided, which it probably will if Pratt Place fails, you are then talking about traffic problems. We hear a lot about unintended consequences. I hope the neighborhood will think hard because you may get some unintended consequences. Pratt Place Inn & Barn is a truly exceptional asset to our community. Please look for some modifications to help it be successful. We never allow ourselves to have our hands tied that something can't be modified. We can listen to concerns, new ideas and suggestions. I hope we will think very seriously about what we are doing tonight. It could be quite tragic.

Alderman Marsh: When it says operating hours 7:00 a.m. to 10:00 p.m., does that mean the event ends at 10:00 p.m. or does that mean staff needs to be gone by 10:00 p.m.?

Jeremy Pate: It is not specific in the condition. We generally mean the event has ended so often times you will see people packing up or setting up before those hours. This is the hours of operation for those type of events.

Alderman Marsh: There would still be people leaving after 10:00 p.m. There is still noise and activity after 10:00 p.m. probably as late as 11:00 p.m. anyway. This gives me a lot of concern. You can tolerate a lot if you know it is going to stop at 10:00 p.m. When you have an 8:00 a.m. to 5:00 p.m. job and you have to get up in the morning, that extra hour of sleep has a lot of value. I appreciate Alderman Long's attempt to find a solution. I think I would be more apt to support something that kept the original hours of operation and then offered the 12 event permits to go till midnight or something in the way of that.

Alderman Long: Jeremy, how far are the neighbors away. One neighbor said they are about four football fields away and they said they could abide by whatever we decided. That is a pretty far distance.

Jeremy Pate: I may have to guess. Mr. Archer may know this because I think he has measured it before. I think several hundred feet is the closest neighbor. The property is surrounded, part of the PZD with 72 acres and part of the consideration by the Council at the time to allow for commercial activities is that the majority of that is tree preservation and green space. No further development can happen on the rest of the 72 acres. There are residences within the area and considered part of the neighborhood.

Alderman Long: I wanted to point that out because Sarah had asked about noise. I wanted to make sure you knew these weren't very close in proximity.

Alderman Marsh: I looked at the Google map and it appears the nearest residence is about 500 feet to 600 feet from the Barn.

A discussion continued about the distances from neighbors to Pratt Place Inn.

Julian Archer: I appreciate your effort to create a compromise, but the compromised proposal is a proposal for disaster. People who are having an event do not want the event to end at 11:00 p.m. on a Friday or Saturday. There is not much demand for events on Monday through Thursday, except for charity events.

Mr. Archer stated that it is a small minority of people from the neighborhood that are speaking negatively and they were the ones who opposed the Inn from the beginning in 2005.

Mayor Jordan: You don't care for the amendment?

Julian Archer: No, I do not.

Alderman Long: I apologize. I misstated what I meant. I meant to say Sunday through Thursday from 7:00 a.m. to 11:00 p.m. and Friday and Saturday night from 7:00 a.m. to midnight. I didn't meant to take away something you were already allowed to have.

Alderman Marsh stated a suggested alternate amendment. Alderman Long stated he did not think the neighbors would be comfortable with the suggested amendment.

Alderman Gray: What was staff recommendation?

Jeremy Pate: We recommended to maintain the Sunday hours 7:00 a.m. to 10:00 p.m. and then extending Monday through Saturday to midnight.

Alderman Gray: I like that.

Mayor Jordan stated he would like Mr. Archer to speak about the new amendment.

Julian Archer: It is an improvement. I prefer the staff recommendation.

Tom Overby spoke in opposition of the proposed amendment.

William Feldman stated he preferred the amendment to the original proposal of midnight. On the other hand I prefer the original PZD.

Lynn Wade spoke in opposition of the proposed amendment.

Aubrey Shepherd stated that Alderman Long's proposed amendment was equitable and fair.

Mayor Jordan: The amendment before us is Sunday through Thursday from 7:00 a.m. to 11:00 p.m. and Friday and Saturday from 7:00 a.m. to midnight.

Alderman Gray: I appreciate the staff research and they feel like that is what the competition is doing. If we are wanting to save this business and make it viable for our city with this historic preservation of Pratt Place Inn, then we should value what our staff has come up with and look at those hours which will help Pratt Place Inn.

Upon roll call the motion failed 4-4. Alderman Kinion, Petty, Schoppmeyer and Long voting yes. Alderman Marsh, Tennant, Adams and Gray voting no.

Alderman Gray moved to remove the two year waiting period. There was no second to the motion.

Jeremy Pate gave a brief description of the current proposal to change hours of operation to Monday through Saturday from 7:00 a.m. to midnight and from 7:00 a.m. to 10:00 p.m. on Sunday. There would be a maximum of one event on New Year's Eve allowed until 1:00 a.m. These new hours are granted for a trial period of two years from the date of City Council approval. One year from the date of approval City Council shall review any valid complaints and or violations and determine if the new operated hours should be extended beyond that two year period.

Alderman Gray: Are the ten events till 2:00 a.m. in there?

Mayor Jordan: Nobody sponsored that.

Alderman Gray: That is not part of the original ordinance?

Mayor Jordan: No.

Alderman Marsh moved to amend the hours of operation to Sunday through Wednesday from 7:00 a.m. to 10:00 p.m. and Thursday through Saturday to 7:00 a.m. to midnight. Alderman Petty seconded the motion.

A discussion followed about the proposed amendment.

Aubrey Shepherd stated it was a good amendment.

Julian Archer spoke in opposition of the new proposed amendment that Alderman Marsh made. He prefers the original proposal that the Planning Department recommended.

Alderman Gray: There is one significant fact that I would like to stress. We are talking about four events a month. I keep hearing about the noise level, but the original PZD is four times a month. There has never been a complaint that there is more than four times a month.

Tom Overby: We don't know how many events he has had because we have no way in the neighborhood to monitor this. We felt like he was having more and we requested an account only for 2013 and nothing was forthcoming. Please amend to have quarterly reporting of number of events.

A discussion followed about noise complaints, traffic and the number of events.

William Feldman stated he has been disturbed by the noise more than four times a month. He stated the measurements of the noise are difficult which is why the restriction on the hours offer some protection.

Alderman Adams: I did go to Jason about what we might do to lower, as an idea of compromise, the decibel level for the events until midnight and the legal response to that was decibel levels don't really hold up in court cases.

City Attorney Kit Williams: I wouldn't say that. We have in fact successfully prosecuted people for noise violations. Part of our noise ordinance says that after a certain period of time you can't have audible noise at your own property line. That was done for the Dickson Street area knowing that just because it's not in violation of noise ordinance, it doesn't mean you can't hear it and it won't keep you awake. It is just at a low enough level that we aren't going to make it criminal.

A discussion continued about the noise ordinance.

Alderman Tennant: Is this amendment only changing one night for one hour?

Mayor Jordan: What I remember from the staff is Monday through Saturday until midnight and Sunday until 10:00 p.m.

Alderman Tennant: The compromise is only Thursday?

Alderman Marsh: No. What it is doing is keeping that 7:00 a.m. to 10:00 p.m. on Sunday through Wednesday. We are protecting them that Sunday through Wednesday. It is three nights.

A discussion followed about the procedure after the amendment is voted on.

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

Alderman Long: You can't please everyone, but I feel like this a good compromise. I will support this. I hope that during the trial period that it has worked well. If it doesn't I will try to change it back.

Alderman Gray: You are supporting the new hours into this ordinance?

Alderman Long: As amended.

Jeremy Pate: Mr. Mayor, do you want to clarify? It says one year from the approval date and if we don't have a Council meeting on December 17th, it is going to be a year from now.

Alderman Adams moved to have quarterly reports filed by the business. Alderman Long seconded the motion.

Alderman Marsh: Would that reporting requirement expire at the end of the probationary period?

Don Marr, Chief of Staff: If you are going to require reporting quarterly, we would ask that you request the coming 90 day period of events so you can see the number of events scheduled. This would give you the ability to know a problem before it arises.

Alderman Long: How about the reporting is both.

Don Marr. That is fine.

Alderman Schoppmeyer: I can't support that reporting requirement. I think it will be burdensome and a catalyst for complaining. It is interesting that the people who are bothered by the noise can't tell us how many times events happen a month. There is a lot of dissention and I am sorry to see that because neighbors should get along. Pratt Place is a wonderful establishment.

Julian Archer spoke in opposition of the reporting of quarterly reports.

Fran Alexander stated if there is a reporting on events there should be one central location for all of this.

Tom Overby spoke in favor of the quarterly reporting.

Alderman Petty: What is the penalty if this is violated?

City Attorney Kit Williams: This is a zoning ordinance and any violation can be prosecuted. We haven't prosecuted very many in the last dozen years. We have had to prosecute some. It is a violation and not a giant fine and no possible jail sentence.

Alderman Long: To add one thing for reporting purposes. When it does come back to us one year for review we will have something to look at to evaluate. Would you be interested in that Alderman Petty?

Alderman Petty: I agree with Alderman Schoppmeyer on this.

Alderman Tennant: How will this reporting take place?

Don Marr: We don't know because this will be the first time.

Alderman Tennant: That leads me to not like the idea. I think what Alderman Schoppmeyer said was a good point. It does add a burden to our city staff. I don't think we would get anything concrete out of it.

Don Marr: There is one entity that we get event information from. It is the Walton Arts Center. They provide us an event for event parking scheduling of upcoming events. We don't have any method of back reporting. We get a report from them going into each quarter of the scheduled events.

Alderman Adams: Our Planning Department recommended a two year period that we have not removed. If we are going to look at this in two years then we should have something in place to look at.

A discussion followed about the way a quarterly report would be furnished to the city.

Upon roll call the motion failed 2-6. Alderman Adams and Long voting yes. Alderman Marsh, Kinion, Petty, Tennant, Schoppmeyer, and Gray voting no.

Julian Archer voiced his opinion and is in favor of the original proposed ordinance.

Mayor Jordan: Mr. Archer, keep in mind the Council has made a decision and they passed an amendment for the hours. The original hours are gone.

Alderman Tennant: I looked at the archives from 2005. I learned a lot and this was not a long time ago. While I understand things do change and PZD's should sometimes be changed, in this particular case I want to protect the integrity of the process that happened. The process was a long and well thought out compromise between a neighborhood and a business. I don't like changing things in the spirit of saving any one business. There are times when you should do everything as a city to create a successful environment, but I think it has already happened.

Mayor Jordan: I was on the Council in 2005. That area was zoned to put about 300 hundred houses up on that hilltop and all the traffic that went with it. I met with the neighbors and we told them that that this would be better for them and we gave them our word that if we passed this, we would keep our word. I remember that. When Fran said it was binding, she was right. We gave our word at that time that we wouldn't change and that is why I didn't support the amendment that came in here about a year or so ago.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance failed 0-8. Alderman Marsh, Kinion, Petty, Tennant, Schoppmeyer, Adams, Long and Gray voting no.

This ordinance failed.

New Business:

Bid #13-56 APAC-Central, Inc.: A resolution awarding Bid #13-56 and approving a contract with APAC-Central, Inc. in the amount of \$4,587,250.02 for construction of Van Asche Drive, approving a ten percent (10%) project contingency, and approving a budget adjustment.

Chris Brown, City Engineer gave a brief description of the resolution. The Transportation Committee and staff are recommending approval.

Alderman Marsh: Are there going to be trees in that green space?

Chris Brown: We did not bid those in the project. That is something we do want to talk about, both trees and street lighting. Sometimes that is left for development, but other times we can include that in the project. That is a discussion item we need to have.

Mayor Jordan: I am very open to that, but we need the money.

Alderman Marsh: It is important to have a buffer between the high speed roadway and pedestrians.

Alderman Tennant: The fact that it is going to be the first part of the city that people see and trees would be great. I hope we look at all options and everyone helps to make it something we can be proud of.

Aubrey Shepherd voiced his opinion about wildflowers and trees.

Mayor Jordan stated this had been worked on a long time. He thanked the former Council and Street Committee for all their efforts.

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

Resolution 259-13 as recorded in the office of the City Clerk

VAC 13-4533 (2732 & 2734 Wildwood/Legacy): An ordinance approving VAC 13-4533 submitted by Bates and Associates for property located at 2732 and 2734 Wildwood to vacate a utility and drainage easement.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff and Transportation Committee is recommending approval as well as the Planning Commission with a vote of 8-0.

Alderman Long 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 during the vote.

City Attorney Kit Williams read the ordinance.

Aubrey Shepherd stated that without an aerial photo with the topography, the Council is not seeing much unless they have been there and looked at it.

Alderman Tennant moved to suspend the rules and go to the third and final reading. **Alderman Schoppmeyer** seconded the motion. Upon roll call the motion passed 6-0. **Alderman Adams and Gray** were 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 5643 as recorded in the office of the City Clerk

RZN 13-4538 (Razorback Road/Victory Commons): An ordinance rezoning that property described in rezoning petition RZN 13-4538, for approximately 5.09 acres, located at 731 S Razorback Road from I-1, Heavy Commercial and Light Industrial, to UT, Urban Thoroughfare.

City Attorney Kit Williams read the ordinance.

Jeremy Pate: The applicant requested this item to be left on the first reading.

This ordinance was left on the First Reading.

Solid Waste Services: A resolution to develop a Request For Qualifications or Proposals for the planning of a 10-year expansion of solid waste services to attain a diversion rate of 80% and to delay the scheduled rate study of solid waste services until its completion and adoption or rejection.

Alderman Petty: Citizens have requested we expand our recycling services. If we want to make changes in the next few years it would be prudent that we have a plan in place before we conduct a rate study. The items in here are just suggestions to the administration. I would like to address why the 80% is in there. There is no analysis that gets us to 80%. I would like to make a statement that communicates to the firm we hire that we want to see a plan that is aggressive. A plan that shows us their conclusion if that number can't be achieved, then they tell us why and what we can achieve. I want something meaningful if we are going to do this.

Alderman Petty gave a Seattle example as one of the best in class Solid Waste Divisions in the country and stated their goals.

Alderman Marsh: I think this is fantastic. I like that you used the Seattle example. Their waste system worked much easier from a resident standpoint than what we have here currently. I think 80% is a fantastic place to aim for.

Alderman Tennant: I agree that ease of use is part of the way you can help this. Technology plays a big part and it seems like some of the technology is not there yet to make the return on the investments for some cities possible. Would your intent be to include that in some sort of consultants roadmap of what might be coming in their decision making? Do you think it is more technology driven or is it ease of use?

Alderman Petty: I think it is a combination. I hope we hire somebody competent enough to answer those questions for us. A comprehensive waste reduction education program is number one, regardless of the technology. We have to face the facts that technology improvements are going to be necessary. Maybe the technology isn't there to hit these targets with multi-family. If we are going to set a goal like this, we are not just talking about multi-family anymore. We either don't have the expertise or we don't have the leftover capacity to be able to make these determinations in house. The Solid Waste Division right now has a cash reserve of a little more than four million dollars. We haven't raised the rates in once or twice in the last twenty years. The opportunity to talk about these things is now.

Alderman Kinion: This did go to the Water, Sewer and Solid Waste Committee. There was not a lot of discussion on it, but it was recommended to move forward to the City Council.

Don Marr: As staff we are supportive at identifying expertise in this area and having them help us identify a system. We are extremely proud of the Solid Waste Division and the advancements that we have made. We have to remember that when we are asking people to completely redesign a system or to expand services in an area we have never offered, people are already fulfilling services in 40 hour work weeks. We don't have time to stop, because this is a service that has to be provided everyday of every week of every year. To tell people we would like them go study and develop systems, best in class and travel around the country is something we don't have the capacity to do.

There is a very high standard at the City of Fayetteville for the advancement of recycling. The city has challenges just like the benchmark cities that had been spoken about. If we are going to make process changes then we need to make them before we start investments in capital equipment of that value. The rate study is a five year study of what the cost is to deliver a service and you do not want to change the process in the middle of it. We are supportive of it, but we have concerns as a division. Little Rock lost a million dollars and the city was challenged with how to make it a more feasible operation. We don't want to add an operation that loses money. We like the language of the feasibility of assessing these items before we design a system to automatically do it and then bring the study back to you to make the decision on what it is we are going to do.

Alderman Kinion: We might need to improve the language. We need to see is if it is feasible, what is the cost, and the return on the investment. We are looking at the possibility of subsidizing services for recycling. 80% is an aggressive goal and way beyond what anyone would imagine

with the current technology, markets and affordability. As we move forward we need to look at this as a feasibility study and the cost associated with this with the current situation.

Alderman Marsh: Under section three where it says the feasibility analyst, could we add feasibility and cost benefit analysis?

Alderman Kinion: That is more in line of what I would like to see. If we can't afford it then it doesn't mean anything anyway.

A discussion followed about the feasibility and a cost benefit analysis.

Alderman Marsh moved to amend the ordinance to add feasibility and cost benefit analysis. Alderman Kinion seconded the motion.

Aubrey Shepherd stated the amendment was great.

Brian Pugh, Waste Reduction Coordinator: I want to thank you for bringing this forward. My job is trying to get people to recycle more and this gets us on that path. We have to make sure when we are looking at all these materials we have markets for this to go to. We can recycle as much as we can possibly recycle, but if there are no markets for this to go to then it is hard to acknowledge the cost to do it. I do support it and if Council wishes we will implement it.

Upon roll call the motion to amend passed unanimously.

Alderman Kinion: As we move forward it is the intent to study the feasibility.

Alderman Gray: Do we have any idea of what the study will cost?

Mayor Jordan: I do not. Does anyone know?

Alderman Kinion: My hope is it will save on the backend as we go forward with rate study.

Aubrey Shepherd voiced his opinion about recycling.

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

Resolution 260-13 as recorded in the office of the City Clerk

City Council Agenda Session Presentations:

Animal Services Presentation – Justine Lentz, Animal Services Superintendent

City Council Tour: None

Announcements:

Don Marr: Today we received a resignation from our Director of Utilities. He runs our Water Sewer Operations as well as our Parking Operations. David Jurgens has accepted a position in Chesapeake, Virginia as Director of Utilities. He will be leaving the City of Fayetteville in early January. We are sad to see David go. He has a wealth of knowledge and a long tenured employee of the city. As Mayor Jordan has said it is never our intention to hold people back from their dreams or opportunities to make more money. We will be conducting a search to fill this position. It is an extremely important position. We are currently putting together some interim staffing plans. We wish him the best of luck and hate to see him go.

The Senior Giving Tree is December 19, 2013 at 10:00 a.m. at the Fayetteville Senior Center.

The city is giving away energy efficiency weatherization kits that are available for low and moderate income residents of the City of Fayetteville.

An Ordinance Review Committee meeting will be held on December 19, 2013 at 5:15 p.m. in room 219.

We want to remind citizens that Solid Waste rescheduled our Saturday facilities operations for the compost sight to be open this Saturday from 8:00 a.m. to noon since we were closed on the only other Saturday due to inclement weather.

City offices will be closed December 24, 2013 and December 25, 2013. Solid Waste services will run as normal on Monday and Tuesday. Wednesday service will be on Thursday and Thursday service will be on Friday.

A holiday celebration for staff, division and department heads will be Friday, 7:00 p.m. at 1621 North Starr Drive home of Council member Adella Gray.

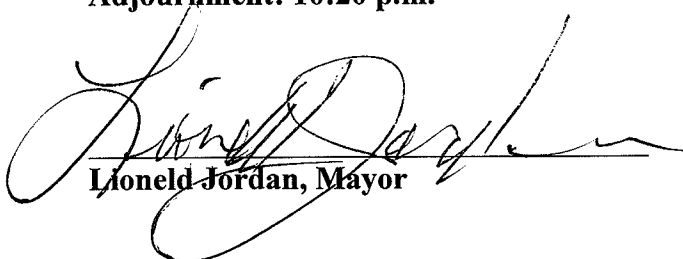
We will have free parking on the 24th and 25th of December.

Alderman Adams: No Ward 4 meeting for the month of December.

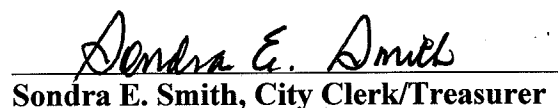
Alderman Marsh: Thank you to our outgoing Environmental Action Committee members.

Mayor Jordan: I would like to thank the Council for a productive year. I wish this Council a happy and safe holiday season.

Adjournment: 10:20 p.m.



Lioneld Jordan, Mayor



Sondra E. Smith, City Clerk/Treasurer

Nominating Committee Report

Tuesday, December 10, 2013 and Wednesday, December 11, 2013

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

The Nominating Committee recommends the following candidates for appointment:

ACTIVE TRANSPORTATION ADVISORY COMMITTEE

- Johnnie Chamberlin - One Unexpired Community/Citizen-at-Large Terms Ending 12/31/14
- Mike Gibbs - One Unexpired Community/Citizen-at-Large Terms Ending 12/31/14
- Jared Hintegardt - One Unexpired Community/Citizen-at-Large Terms Ending 12/31/14
- Brian Kelly - One Community/Citizen-at-Large Terms Ending 12/31/15
- Clint Thomas - One Community/Citizen-at-Large Terms Ending 12/31/15

AIRPORT BOARD

- Joshua Mahony - One Pilot Term Ending 12/31/18
- Darryl S. Riddell - One Business Term Ending 12/31/18

AUDIT COMMITTEE

- L. Wayne Britt - One Citizen-at-Large Term Ending 12/31/16

CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS

- Marilyn Shoffit - One Citizen-at-Large Unexpired Term Ending 03/31/14
- No application received - One Citizen-at-Large Unexpired Alternate Member Term Ending 03/31/14

ENERGY IMPROVEMENT DISTRICT NO. 1

- Don Bennett - One Unexpired Electors of the District Terms Ending TBD
- Stanley D. Green- One Unexpired Electors of the District Terms Ending TBD
- Jim Halsell - One Unexpired Electors of the District Terms Ending TBD
- Michael Phipps - One Electors of the District Terms Ending TBD
- Corey Runnells - One Electors of the District Terms Ending TBD
- Julie Trivitt - One Electors of the District Terms Ending TBD

ENVIRONMENTAL ACTION COMMITTEE

- Robert Moore - One Citizen-at-Large Term Ending 12/31/16
- Angela Wisley - One Unexpired Citizen-at-Large Term Ending 12/31/14
- Joanna Pollock - One Unexpired Citizen-at-Large Term Ending 06/30/15
- Garnett Wise - One Unexpired Local Industry Term Ending 12/31/15

PARKS AND RECREATION ADVISORY BOARD

- Wade Colwell - One Citizen-at-Large Terms Ending 12/31/16
- Terry Lawson - One Citizen-at-Large Terms Ending 12/31/16
- David Priest - One Citizen-at-Large Terms Ending 12/31/16

TELECOMMUNICATIONS BOARD

- Cami English - One Citizen-at-Large Unexpired Terms ending 06/30/17
- Wendell R. Huggins - One Citizen-at-Large Unexpired Terms ending 06/30/17
- Madalyn McCormack - One Citizen-at-Large Unexpired Terms ending 06/30/17

URBAN FORESTRY ADVISORY BOARD

- Sarah King - One Land Development Term Ending 12/31/15
- Dr. Donald Steinkraus - One University Representative Term Ending 12/31/15
- Amy Jones - One Unexpired Tree Service Community Term Ending 12/31/14
- Kathy Launder - One Community/Citizen-at-Large Term Ending 12/31/15

December 11, 2013

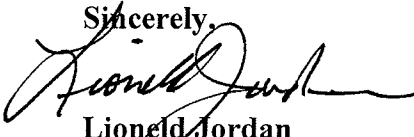
Fayetteville City Council & Nominating Committee Members

Pursuant to City Code of the City Board of Health where it states *"Vacancies on the 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:

Shana Kasperek - - City Board of Health (Citizen at-large position)

Thank you for your consideration of final approval for this appointment.

Sincerely,



Lioneld Jordan
Mayor

RECEIVED

DEC 05 2013

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

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December 5, 2012

Kit Williams
City Attorney
City Administration Building
113 W. Mountain
Fayetteville, AR 72701

VIA HAND DELIVERY

Re: Public Facilities Board Resolution Nominating Hugh Earnest
for Appointment by Mayor as Successor Member Subject
to Confirmation by City Council

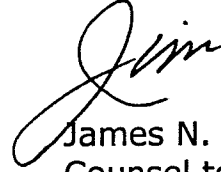
Dear Kit:

The term of Steve Clark on the Fayetteville Public Facilities Board (the "FPF") expires December 18, 2013. Ark. Code Ann. §14-137-108(a)(B)(i)(a) states that successor members shall be nominated by a majority of the board and appointed by the mayor subject to confirmation by the governing body of the municipality (for a term of 5 years). Enclosed is a Resolution passed by the PFB on December 4, 2013, nominating Hugh Earnest to Mayor Lioneld Jordan for appointment as a successor member subject to confirmation by the City Council. I will hand deliver the signed minutes of the PFB meeting when I receive them.

Please present the enclosed Resolution to Mayor Jordan. Assuming the Mayor appoints Hugh Earnest to the PFB, please have confirmation of the appointment placed on the next City Council agenda as an item for consideration by the Council.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim', with a large, stylized initial 'J'.

James N. McCord
Counsel to Public
Facilities Board

pc: Hon Lioneld Jordan (via hand delivery)
Sondra Smith, City Clerk (via hand delivery)
PFB Members (via e-mail)
Hugh Earnest (via e-mail)

FAYETTEVILLE PUBLIC FACILITIES BOARD

A RESOLUTION TO NOMINATE HUGH EARNEST TO MAYOR LIONELD JORDAN FOR APPOINTMENT AS A SUCCESSOR MEMBER OF THE FAYETTEVILLE PUBLIC FACILITIES BOARD SUBJECT TO CONFIRMATION BY THE FAYETTEVILLE CITY COUNCIL

WHEREAS, the term of Steve Clark as a member of the Fayetteville Public Facilities Board will expire December 18, 2013; and,

WHEREAS, the City of Fayetteville has advertised for applicants to serve on the Public Facilities Board, and Hugh Earnest filed the only application; and,

WHEREAS, the Fayetteville Public Facilities Board has determined that Hugh Earnest should be nominated as a successor member of the Board.

NOW, THEREFORE, BE IT RESOLVED by the Fayetteville Public Facilities Board:

Section 1. That Hugh Earnest is hereby nominated to Mayor Lioneld Jordan for appointment as a successor member of the Fayetteville Public Facilities Board subject to confirmation by the Fayetteville City Council.

PASSED by majority vote with a quorum present on December 4, 2013.

Approved: _____

Stephen E. Adams, Chairman

Attest: _____

Steve Cosby, Secretary

Stephen