

Alderman Adella Gray
Ward 1 Position 1

Alderman Sarah Marsh
Ward 1 Position 2

Alderman Mark Kinion
Ward 2 Position 1

Alderman Matthew Petty
Ward 2 Position 2



Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra E. Smith

Alderman Justin Tennant
Ward 3 Position 1

Alderman Martin W. Schoppmeyer, Jr.
Ward 3 Position 2

Alderman John La Tour
Ward 4 Position 1

Alderman Alan T. Long
Ward 4 Position 2

**City of Fayetteville Arkansas
City Council Meeting
August 2, 2016**

A meeting of the Fayetteville City Council was held on August 2, 2016 at 5:30 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, John La Tour, 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: None

City Council Meeting Presentations, Reports, and Discussion Items: None

Consent:

Approval of the July 19, 2016 City Council Meeting Minutes.

Approved

Utility Service Company, Inc. Change Order No. 3: A resolution to approve Change Order No. 3 to the contract with Utility Service Company, Inc. in the amount of \$22,736.00 for structural repairs to the Baxter Water Tank, to approve an additional project contingency in the amount of \$56,675.50, and to approve a budget adjustment.

Resolution 141-16 as recorded in the office of the City Clerk

2016-2017 Justice Assistance and State Drug Crime Enforcement Grant: A resolution to authorize acceptance of the 2016-2017 Justice Assistance and State Drug Crime Enforcement Grant for federal and state funding of the Fourth Judicial District Drug Task Force in the amount of \$242,610.00, and to authorize Mayor Jordan to sign all necessary documents to receive the grant funds.

Resolution 142-16 as recorded in the office of the City Clerk

Icon Enterprises, Inc. d/b/a CivicPlus: A resolution to approve a one (1) year amended contract with Icon Enterprises, Inc. d/b/a CivicPlus for website content management system services in the amount of \$18,228.55 for the first year with automatic renewals for three (3) additional one (1) year terms with a price increase of five percent (5%) each time the contract is renewed, and to approve a project contingency of \$5,000.00 each year the contract is in effect.

Resolution 143-16 as recorded in the office of the City Clerk

Audio-Visual Renovation: A resolution to approve a budget adjustment to move funds from various audio-visual sub-projects to master project 13004 City Hall Audio-Visual Renovation.

Resolution 144-16 as recorded in the office of the City Clerk

Off-Street Parking District and the Dickson Street Improvement District Parking Revenues: A resolution to approve a budget adjustment recognizing increased parking revenues in the Off-Street Parking District and the Dickson Street Improvement District.

Resolution 145-16 as recorded in the office of the City Clerk

Arkansas Historic Preservation Program Grant Agreement: A resolution to approve a grant agreement with the Arkansas Historic Preservation Program for a Certified Local Government Grant in the amount of \$9,030.00, and to approve a budget adjustment.

Resolution 146-16 as recorded in the office of the City Clerk

2017 Employee Benefits Package: A resolution to approve the 2017 Employee Benefits Package.

Resolution 147-16 as recorded in the office of the City Clerk

Alderman Kinion moved to accept the Consent Agenda as read. Alderman Long seconded the motion. Upon roll call the motion passed unanimously.

Unfinished Business:

RZN 16-5442 (2514 W. Lori Rd./Razorback Golf Course): An ordinance to rezone that property described in rezoning Petition RZN 16-5442 for approximately 99.10 acres located at 2514 West Lori Road from R-A, Residential Agricultural; RSF-1, Residential Single Family, one unit per acre and RSF-4, Residential Single Family, 4 units per acre to NC, Neighborhood Conservation; R-A, Residential Agricultural and NS, Neighborhood Services. *This ordinance was left on the First Reading at the July 19, 2016 City Council meeting.*

Jeremy Pate, Director of Development Services: We have received a letter from the property owner requesting to withdraw the application. The applicant for the rezoning, who was a potential buyer, has backed out of the contract. My recommendation would be to either table this indefinitely or to deny the rezoning.

City Attorney Kit Williams: Normally in this situation you table it indefinitely. It automatically dies on December 31st.

Alderman Long moved to table the ordinance indefinitely. Alderman Kinion seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was Tabled Indefinitely

Proposals For Development of South End of West Avenue Parking Lot: A resolution to clarify and extend the timeframe to solicit proposals for development of the West Avenue Parking Lot and to consider parking neutral proposals for sale of smaller parcels on southern end. *This resolution was tabled at the June 21, 2016 City Council meeting to the July 5, 2016 City Council meeting. This resolution was tabled at the July 5, 2016 City Council meeting to the August 2, 2016 City Council meeting.*

Alderman Petty: We did get a portion of the parking study about two weeks ago. It did not contain the analysis of future demand that we expected. It only contained an analysis of existing inventory and utilization. I did not want to ask for a Council vote until we had that information in hand. I would like to table the item indefinitely.

Alderman La Tour: I understand the reluctance to move ahead before we have a full study, but seldom can you take an action where you only get advantages and no disadvantages. We want investment in Downtown Fayetteville and Fayetteville in general. The first to move on this particular proposal hired an architect and brought us plans and drawings. I don't know what Mr. Sharp's billing rate is, but I'm sure it isn't free. The owner has invested substantial sums of money. What we are telling that owner is, you spend all this money and all these other developers that are coming later are going to get equal opportunity to develop. We are discouraging people from taking risks. By tabling it indefinitely, we are saying you just lost your bet and we will let you come before us with all these other developers and we will choose the one we like the best.

Don Marr, Chief of Staff: When this item first came before you, it is because we had four different developments who had all invested significantly. We had multiple people making these types of

investments to try to get the Council to prioritize through an RFP process where everyone felt like there was an open and transparent process. We're waiting just for the RFP process to be open and to bring those recommendations to you at the end of the year, which was part of the original time period when we first started this discussion.

Alderman Long: Alderman La Tour, I know you haven't been on the Council as long as some others. When something is tabled indefinitely any time before December 31st, any Alderman can bring it back to the agenda. It doesn't mean this dies tonight if it is tabled indefinitely.

Alderman Kinion: We have had several projects that have come before us with a considerable investment upfront. A sound investment in the future is exactly that. Everyone is taking a risk when they are looking at a long term investment development. A good investment in a development project today will also be a good investment in a project tomorrow. We have made a commitment to the people to do a complete and exhaustive study for the parking. It is the responsible thing to do until we get the numbers to put this on hold. This is not throwing away an investment. What it has done is given people the opportunity to look at the value of the property. It is giving a lot of investors the opportunity to think forward. It has opened a very healthy dialogue with the merchants with the individuals that want to see the property used as a gathering place for Ward 2. I support the indefinite tabling of this.

Alderman La Tour: I agree it is a good discussion. I want us to realize there is this investment perspective. There may have been four at the beginning, but the first one I spoke with was Mr. Reindl and Mr. Sharp. This is the only proposal I knew of for weeks until it was announced here at the City Council and now a lot of other people have come forward. Mr. Reindl was the first. It would be discouraging to spend \$200,000 in architecture fees and now it is open for everybody. Good investments today are not good investments tomorrow.

Mayor Jordan: We brought the resolution forward because we had three or four.

Don Marr, Chief of Staff: The first proposal was from Hunter Haynes. The second proposal was from Reindl and Sharp.

Mayor Jordan: I met with the Dickson Street business owners that had a proposal. There were at least three and that is why I brought it to you all.

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

This resolution was Tabled Indefinitely

New Business:

Bayyari Music Playground Donation: A resolution to accept a donation in the amount of \$30,000.00 from Fadil Bayyari to construct the David Lyle Bayyari Music Playground at Wilson Park, and to approve a budget adjustment.

Alison Jumper, Park Planning Superintendent gave a brief description of the resolution. She expressed her gratitude to Mr. Bayyari for considering Wilson Park as the venue to honor his son.

Mayor Jordan: Thank you to Mr. Bayyari for his very generous gift.

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

Resolution 148-16 as recorded in the office of the City Clerk

The Rotary Club of Fayetteville Agreement: A resolution to approve an agreement with the Rotary Club of Fayetteville regarding the funding for and naming of the Rotary Club of Fayetteville Playground at the Kessler Mountain Regional Park, to approve a budget adjustment recognizing a donation from the Rotary Club of Fayetteville and its members in the amount of \$150,000.00 for the project contingent upon receipt of the funds, and to express the City Council's intent to provide matching funds in an amount of \$120,000.00 toward the playground project contingent on approval of the 2017 budget.

Alison Jumper, Park Planning Superintendent gave a brief description of the resolution. She expressed her gratitude to the Rotary Club for choosing the project to make an impact in the community.

Harrison Pittman, Rotary Club President: This is a huge project for us and an honor. We are the largest civic organization in the city and Northwest Arkansas. This is a huge undertaking for us and something we have put our heart into. We are proud to be a part of it. This is an outgrowth of our ongoing partnership with the city. We appreciate the Mayor and staff.

Mayor Jordan: Thank you very much.

City Attorney Kit Williams thanked Mr. Pittman and previous president, Ray Boudreaux for raising the funds. He stated he was happy to be a part of the government of Fayetteville and the Rotary Club of Fayetteville.

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

Resolution 149-16 as recorded in the office of the City Clerk

VAC 16-5494 (3641 W. Wedington Dr./Ozarks Electric Co-op): An ordinance to approve VAC 16-5494 submitted by Crafton-Tull engineers, Inc. for property located at 3641 West Wedington drive to vacate a portion of a utility easement.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission voted 9-0 in favor. Staff recommends approval.

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

City Attorney Kit Williams read the ordinance.

Alderman 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 5894 as Recorded in the office of the City Clerk

Amend §164.23 Single-Family Infill Standards: An ordinance to authorize the City Council to grant a variance in the Single-Family Infill Standards to support attainable, affordable housing.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: I sit with the Planning Commission. When the third developer had problems meeting these standards and had invested a considerable amount of money developing house designs that would not meet these standards, I informed an Alderman of the problems. In two of those cases the Planning Commission did grant some variances even though the Planning Department had recommended denial. In one, Rausch Coleman was building the fourth phase of, The Coves, they could make some of their houses comply, but 21 lots could not work. The Planning Commission granted a variance to them. The variance procedure in the Planning Commission is very difficult. The City Council has made a commitment to create opportunities for obtainable housing. Mark Marquess of Riverwood Homes has already done an extensive design and advertising operation with house designs and none of them will fit in this particular proposal. Alderman Schoppmeyer is sponsoring this variance procedure. You all are the ones that decide these basic policy issues about affordability. The Planning Commission decides variances on a case by case basis.

Alderman La Tour: We state in our goals that we want to build affordable housing. Does that adversely affect someone's ability to build million dollar houses?

City Attorney Kit Williams: Absolutely not. Our goals state we hope that there will be houses built on all ends of the spectrum so people can afford a house in Fayetteville. It is good for our government to encourage affordable and attainable housing for citizens.

Alderman La Tour: I agree there should be a variety of housing to accommodate all economic levels in our city. Our city is always stronger when we have people who own things instead of renting. We are voting on an amendment to some ordinance that was passed earlier?

City Attorney Kit Williams: Yes. You passed an ordinance for Single-Family home design standards. One of the provisions in that said the garage must be recessed behind the front of the house by five feet. If you look around what has happened around Fayetteville the last 40 years you will not find that kind of design very often. Usually the garage is slightly in front of the facade of the house and that's the way the designs had been made by Mr. Marquess. He has different sized lots and more expensive or less expensive houses within the same neighborhood. The City Council has wanted a mixture of houses.

Mark Marquess, Riverwood Homes: Fayetteville is a very good town to build affordable housing. The subdivision in questions is a new subdivision called Slonebrooke. We have the new rezoning that is Neighborhood Conservation that was passed and that allowed us to bring a broad mix of things to the subdivision. This is a Master Plan Community that is going from Broyles Road to Ruppel Road in the new extension. When it is all developed we expect it to be 500 to 600 homes. It is one of the first and unique subdivisions that Fayetteville has ever had that will have a full blended mixture of affordable, middle and upper end priced homes.

I wanted to specifically talk on Ordinance 164.23 (B) (1) (b) which specifically talks about the five foot set back of a garage in a home. In this subdivision we have lots that are 60 feet, 70 feet and 80 feet long. We are having complications with how we design these homes. Even though we have 60 foot lots, we may have a 67-foot lot right beside it with a 70-foot lot that starts at 1,750 square foot, this doesn't encompass anything over 70 foot wide. It's almost an economic hardship number one to discriminate against the smaller homes. They are just not designed to look out of place. I would appreciate your consideration on this.

Alderman Kinion: Kit, I believe what we are talking about is a variance ordinance not a design standard for a specific development. This is a remarkable presentation but I'm trying to get back to what we are doing with the change in the ordinance that was brought forward to offer a front porch type infill development that was more urban, less suburban and now we are looking at a variance for single family infill standards but not a specific development, am I correct?

City Attorney Kit Williams: Yes, you are looking at how developments will occur. The design standard that was approved was actually written in by the Planning Department it was supposed to help detour crime. Its primary design standard was requiring instead of having the garage flush with the house or in front of the house by four or five feet, which has been the normal case in Fayetteville that is now going to be required to be recessed from the house. That was the problem Mr. Marquess had is that none of his designs were like that. I think he had some that were pre-sold.

Mark Marquess: We already have over 20 and we haven't even started the marketing that show that show people have already taken these lots to hold.

City Attorney Kit Williams: What we are talking about really is the recessed garage. That is the only design standard that is of issue here. This is the first time except for Cottage Housing that the City Council has ever adopted any design standards for a single family home.

Alderman Kinion: The ordinance that we are looking to revise has to do with granting variances.

City Attorney Kit Williams: Yes, it would write in a variance. Exhibit D which was passed before, says for lots 46 feet to 69 feet of street frontage, Subsection (B) says for garage openings that are on the same side of the house as the front door shall be recessed at least five feet behind the principal facade. This would add one sentence that says the City Council may add a variance to this requirement, the only requirement in that subsection which is a recessed garage, to ensure affordable and attainable housing can be constructed for our citizens.

Alderman Kinion: My point is that is what we should be looking at in our discussion rather than making it cloudy with points that may not be pertinent to what we are doing today.

Alderman Petty: I have a deep appreciation for what the developer presented to us in terms of trying to mix incomes together in housing. I know that's not something that a lot of production builders have done in the past so I want to personally thank you for trying to do that.

I also wanted to thank you for your kind words about the setback ordinance. I wrote that ordinance and I'm glad that is helping people today. I am very much committed to encouraging or removing the barrier for smaller infill projects to happen. I have some criticism's myself about the infill standards, I really don't think they're beyond criticism and I think this is one of the valid criticisms but I think the approach we are taking is wrong.

He went on to discuss the variance ordinance process.

Alderman Marsh: It seems the primary issue here was with the projects that were caught in transition. It started just before this ordinance was passed and are now trying to move forward and it seems like our Planning Division is going to do a lot of work in terms of making our codes more legible and helping to educate the developer community. I don't think this is going to be a problem that is going to be on going as far as ignorance of the law.

In addition to creating opportunities for attainable housing our 2030 City Plan goals also states we will make traditional town form standard. Traditional town form is not garages in front of houses.

Alderman La Tour: I'm surprised that we would purport as a City government to tell a person your garage has to be five feet behind or five feet in front. Why isn't the garage placement left up to builder or home owner? What's happened to personal freedom? I will be supporting anything that lessens the impact of this so called design standard. I don't see that moving the garage five feet forward or backward is going to greatly affect crime rates in our City.

Alderman Kinion: I want to take a barrier away from the developer by having them go to Planning and then also go to City Council for the variance. I want to empower our professionals in the Planning Division and our appointed members of the Planning Commission to have the

authority to do this. I would like to suggest that this be sent to Ordinance Review for further study so that we can see if there is a way to streamline this and make these types of decisions. We are going to be faced with this more and more as we are developing the areas of town that have been opened up for development. It should be easier for the developer but at the same time it should protect the standards that we set in our 2030 Plan.

I don't think city Council needs to be involved in every single one of these I think we need to empower our Planning Division to streamline our ordinances in order to make it easier for the development of this type of activity.

Alderman Long: One thing I saw as I read this ordinance is that we may not have fairly applied metrics and we talked about that at Planning Commission. It is very important that we apply the laws that we write across everyone the same and standardize variance procedures. I think the idea of having this go to Planning Commission before City Council would be consistent with what the rest of our laws do. I would be supportive of sending this to Ordinance Review.

Alderman Tennant: I may or may not agree with it needing to go to Ordinance Review but I saw three head nods anyway that they would be in support of it going to Ordinance Review so I certainly am not opposed to it. I can see both sides of it so I will air on the side of more conservation. Do we have a goal in mind to bring this back?

City Attorney Kit Williams: It is only on the first reading so it would just be on the second reading at the next meeting.

Alderman Tennant: In my opinion we should hold it here and then that would give me a few days to work with Sondra and the other committee members to come up with a time.

Alderman Marsh: I would like to request that we get an opinion from the Planning Commission and Planning Staff since they are the ones most educated in these issues. I would like to know what they recommend as far as what is the best course of action in order to support our goal in creating attainable housing if this is their recommendable compliance route or not.

Alderman Gray: I wanted to clarify that we are not holding up this developer. He can move on because they have taken action, is that true?

Mark Marquess: Yes we are. We are going to final plat hopefully this month. The streets are finishing paving today and tomorrow and I guess the biggest thing I would challenge everyone to, this is discretionary for the purpose of affordable housing only. This doesn't turn around and say the person with the 70 foot lot has to move their house back five feet. It doesn't say that the person with the 80 foot lot in that same housing division has to move their house back five feet. The great thing about Fayetteville is its diversity. We don't turn around and dictate that everybody has to live in a brick home, a craftsman home or standard of size or design. If we are going to impose this five foot, and that is all we are talking about on this ordinance is one "B" maybe it should be struck and given further discussion. How can you turn around and take away the rights of one group but leave it for everybody else?

Mayor Jordan: Mr. Marquess you did not get a variance from the Planning Commission.

Mark Marquess: No, we did not. We just found out about this. My suggestion is why don't we consider striking one "B" out of the ordinance. We are not striking an ordinance we are just taking that one thing that is specifically aimed at affordable housing out and giving it time to vet and see if this is what everybody wants to do across the board. Instead of singling out one group. It's wrong, we know it's, wrong it's come up the last three new subdivisions recently and it's only that one item.

City Attorney Kit Williams: I think what he is also saying is he would like to have the Ordinance Review Committee meet within the next two weeks because his final plat is getting closer to being finished and he has some houses already sold and he wants to start working on them so he doesn't want it delayed too long.

Alderman Gray: I really misunderstood because I thought you had said that they had the variance and they could move on.

City Attorney Kit Williams: No, two of the developers had gone through the variance procedure. Buffington Homes which were building French cottage style housing and they were two thirds the way through their development when they were informed that they wouldn't get anymore building permits because their garage was about where the entrance was. I don't think it was in front of the entrance but it wasn't five feet back from the entrance. They did go to Planning Commission and the Planning Department recommended denial and the entire neighborhood came out and said please let us finish the beautiful style housing.

Developers showed up and said the substantial delay, some people had already sold their house because they were having another house built in the subdivision and they were paying rent while the house was going to be built and now it couldn't be built so the Planning Commission granted that variance. The second one was Rausch Coleman they came in and said they had not heard about it, even though Jesse Fulcher was working for them and he is the one that sponsored this ordinance. Eventually the Planning Commission granted them twenty one variances out of about fifty houses because Jesse informed them they could not meet the ordinance. It wasn't until a week ago that I was meeting with Andrew Garner and Mr. Marquess that he was also surprised. He has not been to Planning Commission but he was informed then that he will not be able to develop his subdivision as he had planned and as he had pre sold. He has not been to Planning Commission yet and I am concerned about always going to Planning Commission under the variance procedures because it is such a difficult thing. One of the things that Planning Commission would normally have to consider is that this situation is unique to the subject property. Here we have a plat that has been approved and it's probably going to be final soon with a bunch of lots on it but it's on fairly flat land. Is that so unique that nothing can be done, so the standard that Mr. Marquess would probably have to establish might not meet the variance test.

That is why a different variance that would only consider the affordability and attainability of the house would be something that would be justified in this particular case. This is stuff I think we should do at the Ordinance Review Committee if possible and go forward.

Mark Marquess: As you see in that design we are going to have five more phases come through this development. We are just trying to start this first one that we have spent so much money and invested in this town and never faced this issue. We are not trying to ask for anything else. If you decide this is what you want to go with in the future then we will look at it in future designs. We had this 97 lot subdivision approved without these ordinances in it or we may have needed to change to the 70 foot lots.

Mayor Jordan: You went through all that and you did not get a variance.

Mark Marquess: No.

Mayor Jordan: Ok, thank you.

Alderman Gray: So we will be slowing your process down.

Mark Marquess: Absolutely these are ready to go. Hopefully these will be ready to go in thirty days.

Mayor Jordan: I think the Ordinance Review is going to meet within the next few days.

Alderman Tennant: I definitely want city staff input. I will work with them as well but give them enough time to make sure they have time to do that.

Mayor Jordan: As an ordinance it could go two more readings anyway but we are probably not going to get that far.

Alderman Tennant: I understood that he doesn't have a variance so we will have that goal in mind.

Alderman Long: I wanted to thank Mr. Marquess for bringing this to Council's attention. I think developer input is very important and I appreciate it.

Lorraine O'Neal, 3001 West Wedington: I agree whole heartily with Mr. La Tour's comments that developers that come into this town and invest their time, energy and designs have but one goal in mind to provide housing for people who might be willing to move to this area and discouraging them from that effort is absolutely the wrong way to go.

Chung Tan, Fayetteville Chamber: I am here today to support Mark Marquess effort to continue to build in Fayetteville. Riverwood is a Fayetteville based company that has been building for the past 25 years. Marks personal philosophy has always been trying to build affordable and attainable housing so that more Fayetteville residents can own their own home.

Alderman Long moved to suspend the rules and go to the second reading. Alderman Gray seconded the motion.

Alderman Gray: It's concerning to me that we allow a developer to get this far and then put the brakes on. I hate to see that we as a Council are treating this developer this way and I'm very disappointed.

Alderman La Tour: I think we need to give this developer relief. I would make a motion that we strike one "B" and make it a level playing field for everyone. Why just impose that standard on affordable housing?

City Council Kit Williams: We have a motion and second on the floor so parliamentary wise I don't think a motion to amend is appropriate.

Alderman La Tour: Wouldn't be appropriate now but that is where I would head with this to give him some relief. I don't think it's reasonable that we tell people where they have to put their garage. They should put it where they want within certain broad parameters.

Mayor Jordan: Mr. Marquess, I know my staff have been meeting with developers for the last seven months trying to work out a lot of these, have you been in those meetings?

Mark Marquess: Yes sir.

Mayor Jordan: And this was never brought up?

Don Marr: This particular item hasn't. I just want to be clear to Council this application for variance has not been requested yet. Had it been requested then maybe it could be considered. It's not been submitted to the Planning Commission to be considered. You can't grant a variance that has not been requested. Once a request is made, if the Planning Commission denies it, we can bring it directly to the Council as any of you can appeal that requirement but it needs to get to the Planning Commission before it can be considered. Which I think is what they are saying that they are headed there but then there's also this route of changing the ordinance in general. Which then might not require them to go forward. They have two options, they can wait until you make changes and revisions to the ordinance or they can move forward with the request of the Planning Commission requesting the variance while the ordinance is going forward for a change if it is more time sensitive than your ability to get to the revision of the ordinance.

Mayor Jordan: You have been meeting with my staff for seven months and you knew this project was coming up and you never brought that to their attention?

Mark Marquess: This project has been going for a year and a half. We have it approved with the lots that are exactly like they were approved by the Planning Commission and the rezoning by the Council. I want you to think if you went out and approved one of these apartment designs, buy the land, put in infrastructure and they get ready to build the building and you say no you have to change this. This was never on the table when we did this design standard on this subdivision.

Mayor Jordan: I'm not disputing that, I'm just saying we are trying to meet with developers for seven months to get out these kind of things ironed out and for this to occur this evening is a concern of mine.

Mark Marquess: Charley Sloan and I sat in the builder developer meetings and it was a total surprise to us.

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Don Marr: Mr. Marquess has been very active in the development meetings and he is specifically helping us with the Drainage Criteria Review Manual. We appreciate his participation and want to continue that. On these types of items, remember there's many of these codes that we are looking at to bring forward, much like Jeremy brings forward, unattended consequences as a result of ordinance changes that we have done. The reality of is and Council member Marsh brought this up last Tuesday an area that we are focused on and are hearing from the development community is when codes change that we have educational opportunities to make sure everyone is informed and communicate those changes. It is any developer's responsibility to make sure things are following the codes and as codes change our Clerk codifies the codes and any codes that have not been codified in the code are listed on our website at the bottom of the code to show those are in place but we can do a better job of communicating those and a lot of these changes you are talking about came through in time periods when development was not taking place and we did not have record permits. We did not have developers watching the code as closely as they do when they are actively building.

Alderman Gray: When was it that you learned about this problem?

Mark Marquess: Two weeks ago and we do sit on the developer and builders committee. We do work with the drainage and Don and his staff. We are not trying to be contrary but I absolutely do not think that something should be put on, whether it's a developer or one builder, when you have invested this much money and time and we are at the end of the process and now all the sudden a new rule comes in on something we invested and made huge commitments and millions of dollars of decisions on that this wasn't even on the table when we had the subdivision approved to be what it is today. How can you come back in and change it in the middle of the game?

Mayor Jordan: Mr. Marquess we are going to address that.

Mark Marquess: Thank you.

Upon roll call the motion passed 7-1. Alderman Marsh voting no.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: We will leave it on the second reading and schedule a meeting for the Ordinance Review.

Announcements:

Alderman La Tour: We have an election coming up and we are going to discuss whether we are going to raise the library tax by about 300%. That vote is taking place on August 9th. Early voting

is taking place right now at the Court House. Be sure to get out and express your opinion. If you favor a tax increase vote yes. If you are against tax increase vote no twice.

Alderman Marsh: We will be having a Ward One meeting this Thursday evening at 6:00 p.m. at the Fayetteville Senior Center. We will be discussing the 2030 City Plan, Walker Park Master Plans, sidewalk and street improvements, economic development plan as well as giving advice on how to interact with different departments at the city.

Don Marr: I wanted to inform the Council that our new financial system, New World ERP has gone live and we are now operating on that system. There are multiple phases to come forward, our HR, payroll conversion and utility billing. As those things take place over the next six to twelve months we will have new services available like emailed utility bills and things of that nature that I know were important to you all. We are now accepting payments, doing our payables and check requests, purchase orders on the system and that is moving forward.

The Gulley Park Concert, our last concert, is this Thursday, August 4th at 7:00 p.m. It's Effron White we encourage you to come out. We are also presenting and receiving comments about Gulley Park Master Plan. There is also an online survey to provide feedback for the Gulley Park Master Plan on the City's website www.fayetteville-ar.gov.

The City is changing our conversion for our emergency notifications from Everbridge to Code Red. That is being done because of citizen feedback from those that have participated in the County notification system. It's more comprehensive, we think it is ultimately the common use of the technology creates a stronger communication for our citizens in the event of a disaster. Anyone who is currently signed up on the Everbridge system is automatically converted into our Code Red System we just ask that if you have moved or have a different address that you would need to go in and log in and create a profile to change your address because the notifications are by the longitude and latitude location of your address. You only receive warnings if you are in the line of a tornado, a severe thunderstorm or flash flooding.

For citizens that are driving on the north end of town in Council member Tennant and Schoppmeyer's ward the activation of a traffic signal at the intersection of Steele Boulevard and Van Asche will be turned on Thursday if you want to join the Mayor it will be at 1:00 p.m. It is flashing now but be prepared to follow the yellow, red and green indicators as that turns on.

Our last dive in movie Ratatouille is at the Wilson Park Pool this Friday. Gates open at 7:15 p.m. the movie will start at dark.

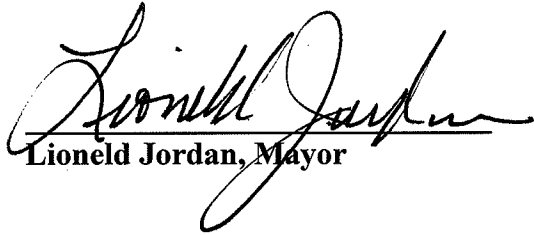
Mark your calendars the grand opening of Kessler Mountain Regional Park will be Saturday, August 20th. Festivities will start at 8:00 a.m. The ribbon cutting will begin at 10:00 a.m.

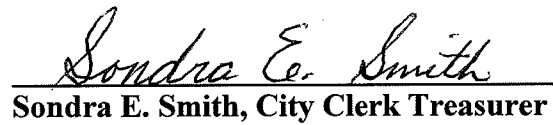
The University starts back August 22, 2016. The School district is August 17th. If you get questions about our new student housing complexes that are currently under construction, we are still waiting on a permit request from many of the builders that have to be completed prior to student being able to move in to make sure the structures are safe. It will be a lot of last minute request as those projects try to meet the deadline.

City Council Agenda Session Presentations:

City Council Tour: None

Adjournment: 7:08 p.m.


Lioneld Jordan, Mayor


Sondra E. Smith, City Clerk Treasurer