

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 Sarah Bunch
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
June 6, 2017**

A meeting of the Fayetteville City Council was held on June 6, 2017 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, Sarah Bunch, John La Tour, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Alderman Justin Tennant was absent.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports, and Discussion Items:

Nominating Committee Report, Advertising and Promotion Commission Appointment, and Historic District Commission - Mayor Appointment

Alderman Kinion presented the Nominating Committee report and recommended the appointments as submitted.

A copy of the report is attached.

Alderman Kinion moved to approve the Nominating Committee Report. Alderman Gray seconded the motion. Upon roll call the motion passed 5-2. Alderman Long, Gray, Kinion, Petty, and Bunch voting yes. Alderman Marsh and La Tour voting no. Alderman Tennant was absent.

Report on Library Bond Issue - Paul Becker, CFO

Paul Becker, Chief Financial Officer gave a brief summary on the Library Bond Issue. He stated he is happy to report that a lot of progress is being made. He stated the construction is beginning soon.

Agenda Additions: None

Consent:

Approval of the May 16, 2017 City Council Meeting Minutes.

Approved

Steve Landers Toyota of NWA: A resolution to authorize the purchase of a Toyota Camry Hybrid from Steve Landers Toyota of NWA in the amount of \$25,517.00 pursuant to a state procurement contract for use by the Police Department.

Resolution 112-17 as recorded in the office of the City Clerk

McClelland Consulting Engineers, Inc.: A resolution to approve a contract with McClelland Consulting Engineers, Inc. in the amount of \$250,793.00 for engineering services associated with the Kitty Creek Sewer Line Improvement Project, and to approve a project contingency in the amount of \$25,079.30.

Resolution 113-17 as recorded in the office of the City Clerk

University of Arkansas Board of Trustees Lease Agreement: A resolution to approve a lease agreement with the Board of Trustees of the University of Arkansas for the unoccupied banquet area in the Airport Terminal building to be used by the Osher Lifelong Learning Institute to conduct classes during the Fall 2017 semester in the amount of \$25.00 for each day the space is used.

Resolution 114-17 as recorded in the office of the City Clerk

Benchmark Construction of NWA, Inc. Change Order No. 3: A resolution to approve Change Order No. 3 to the contract with Benchmark Construction of NWA, Inc. in the amount of \$42,021.00 for the construction of a gravel access drive, concrete pier pads and irrigation system

at the Fire Department Training Facility, and to approve a project contingency in the amount of \$4,202.10.

Resolution 115-17 as recorded in the office of the City Clerk

Arkansas State Police Matching Grant: A resolution to authorize acceptance of an 80/20 matching grant from the Arkansas State Police in the amount of \$24,160.00 for the development of an accident reporting interface between the City of Fayetteville and Arkansas State Police public safety software systems, and to approve a budget adjustment.

Resolution 116-17 as recorded in the office of the City Clerk

Tyler Technologies, Inc. Amendment: A resolution to approve an amendment to the contract with Tyler Technologies, Inc. in the amount of \$27,329.00 for the development of an accident reporting interface between the City of Fayetteville and Arkansas State Police public safety software systems.

Resolution 117-17 as recorded in the office of the City Clerk

Bid #17-38 Shor-Line: A resolution to award Bid #17-38 and authorize the purchase of cat adoption cages and vet clinic recovery cages from Schroer Manufacturing Co. d/b/a Shor-Line in the amount of \$30,382.52 plus applicable taxes for the Lib Horn Animal Shelter of Fayetteville.

Resolution 118-17 as recorded in the office of the City Clerk

Tsa La Gi Trail of Tears Mural: A resolution to approve a contract for the commission of public art with Stacy Bates in the amount of \$5,000.00 for a Trail of Tears mural on the Tsa La Gi Trail, and to approve a budget adjustment.

Resolution 119-17 as recorded in the office of the City Clerk

VAR 17-5800: 1541 W. MLK Blvd. (Panera Bread): A resolution to affirm the Planning Commission's approval of a variance of the penalty provision of the **Tree Preservation and Protection** Chapter of the Unified Development Code for property located at 1541 West Martin Luther King, Jr. Boulevard.

Resolution 120-17 as recorded in the office of the City Clerk

Alderman Gray moved to accept the Consent Agenda as read. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-0. Alderman Long, Gray, Marsh, Kinion, Petty, Bunch, and La Tour voting yes. Alderman Tennant was absent.

Public Hearing:

Raze and Removal 265 West Nonnamaker Drive: A resolution to order the razing and removal of a dilapidated and unsafe structure on property owned by Harold and Rosetta Harmon located at 265 West Nonnamaker Drive in the City of Fayetteville, Arkansas, and to approve a budget adjustment. *At the May 16, 2017 City Council Meeting this resolution was tabled to the June 6, 2017 City Council Meeting.*

Mayor Jordan opened the Public Hearing.

David Carver, Code Compliance Administrator gave a brief description of the resolution.

Matthew Cabe, City Building Official presented images illustrating the dilapidated structure.

Alderman La Tour stated his concerns about acting too quickly when a homeowner is making a small effort. He requested to know who is doing the repairs.

Matthew Cabe: I don't know who is doing the repairs.

Alderman La Tour: You admit there are repairs being made?

Matthew Cabe: We know that some paint has been put on the home and a new roof has been installed incorrectly.

Alderman La Tour: It tells me that somebody cares about it. It's not like it is abandoned and they don't care. They are making some effort.

Matthew Cabe: I don't disagree. However the house doesn't meet the minimum standards for inhabitability as dictated by building code and standard housing code.

Alderman La Tour: Is anyone living in the house?

Matthew Cabe: Thankfully, no.

Alderman La Tour: Maybe they are working toward habitability.

Matthew Cabe: We have had numerous meetings with the homeowner regarding his permit application. He has been given two and a half pages of comments of issues that we think need to be addressed and need to be articulated in his application. He hasn't been able to provide satisfactory information.

Alderman La Tour: How did he respond at those meetings?

Matthew Cabe: I wasn't present at those meetings. From what I understand he was willing to perform what was requested. We haven't gotten the required information in order to issue a building permit. I don't believe he took issue with much of what was proposed.

Alderman La Tour: He wasn't evasive or hard to get along with?

Matthew Cabe: The one meeting I had with him, he was not evasive or hard to get along with. I felt like he didn't understand the scope of the repairs that would be required and the necessary effort to get this house to a minimum standard of inhabitability.

Alderman La Tour: Does he have a source of income?

Matthew Cabe: I believe he is a landlord, but not real sure. He owns basically all the structures on and around Nonnamaker Drive. It is one large parcel with eight to ten structures.

Alderman La Tour spoke about relative housing standards. He stated he is hesitant to go into a situation where a citizen is showing some effort.

Mayor Jordan asked if the owner was at the City Council meeting and it was confirmed that he was not.

Alderman Petty: It is clear that the house needs some repairs. Are we requiring them to bring the home up to date in terms of the codes we have on the books today or are we making reasonable accommodations for the age of the structure?

Matthew Cabe: Reasonable accommodations. We are willing to work with them and get to minimum standards of inhabitability.

Alderman Petty: We should communicate to the owner by action of the Council that we are serious. We could table this for two weeks. If there's reasonable efforts to address the concerns of the Building Department as reported back to us, then great and if there is not, then I am ready to vote to condemn and raze it.

Don Marr, Chief of Staff: This is complaint driven by an individual who was living in the location. He made a complaint about all the problems and the lack of responsiveness from the owner. Our primary request has been to do something, come see us, do a permit. We have walked through the items that needed to be in the permit. We have had a lack of responsiveness from the owner. This was on the agenda two weeks ago when the owner was here. He asked for it to be tabled to this meeting so he could come back and present to you. There are other structures on this site that we would be concerned about. Some may be as bad as the one we are talking about today.

Alderman Bunch: There are no people living in it at this time. Someone filed a complaint with the city?

Matthew Cabe stated yes and reiterated what Don Marr said.

Alderman Bunch: I would be in favor of giving this guy a couple more weeks. I suspect it is going to be a generous offer and not change anything. My concern with this is that he hasn't kept this house in a livable condition and has made money off of people who can't afford to live

somewhere else or has bad credit. I don't want to allow this person to continue to take advantage of people by not providing a livable structure to rent.

Alderman Marsh: I hate to see us lose these Ozarks Heritage structures. However, the condition of this house is appalling and it is a significant safety hazard. The electrical service is a fire hazard and someone could burn to death in this home. Due to the dilapidation, it is probably rampant with mold. Someone could fall through the porch or bathrooms. The high utility bills would more than offset the savings of cheap rent. We should set an example regarding the other structures on this property that they need to be maintained if he intends to rent them to people. He has had a significant amount of time already. We tabled it last time and I can't see him making enough of a difference in the next two weeks.

Alderman Petty: Did he give a reason for not being here tonight?

Matthew Cabe: I haven't had any contact with him.

Don Marr: We have had no correspondence with him since last City Council meeting. We have attempted in hopes of getting a permit filed for work improvement. Some of the repairs he has attempted have been without a permit. It was clearly communicated to him about needing to be permitted to do the work.

Alderman La Tour: When this homeowner came before us he had health issues. That is why he asked us to wait. It could be why he is not here tonight. I would be in favor of giving him two more weeks.

Alderman Petty moved to approve the resolution and then decided he would rather table the item for two weeks. Alderman Marsh had seconded the motion for approval. Alderman Petty withdrew his motion to approve, but Alderman Marsh chose to not withdraw her second. A procedural discussion followed about tabling and approving resolutions.

Mayor Jordan closed the Public Hearing.

Alderman Petty moved to table the resolution to the June 20, 2017 City Council meeting. Alderman La Tour seconded the motion. Upon roll call the motion to table passed 5-3. Alderman Long, Petty, Bunch, and La Tour voting yes. Mayor Jordan voted yes. Alderman Gray, Marsh, and Kinion voting no. Alderman Tennant was absent.

This resolution was tabled to the June 20, 2017 City Council meeting.

Unfinished Business: None

New Business:

North Starr Drive Sewerage System Extension: A resolution to approve an extension of the city's sewerage system beyond the city limits to property located on North Starr Drive.

Tim Nyander, Utilities Director gave a brief description of the resolution. The Water, Sewer & Solid Waste Committee voted 4-0 in favor to forward the item to the City Council with a recommendation of approval.

Larry Long, Applicant stated it was the time in life for him and his wife to downsize. He requested for Council to grant access to the sewer line for the property.

Alderman Marsh: Who is providing the trash and recycling services to this street?

Larry Long: The city.

Alderman Marsh: Fire service?

Larry Long: The city on the city side, but not on the county side.

Alderman Marsh: Who maintains the road?

Larry Long: That is a question I have been trying to address with the city and the county for the last 25 years. Starr Drives goes in and out of being city and county at various positions over the first mile. It has continued to be an issue and I wish it would be resolved.

Alderman Marsh: All the services are already there. We are just allowing them to tap into the existing sewer line. We are not adding to the burden of maintenance for our city.

Larry Long: All of the utilities except for sewer are on the property.

Alderman Kinion: This is an exception. We are not generally going to allow hook ups that are outside of city limits. This is an unusual situation because of the location of the sewer main and manhole. It is not to set a precedent to anyone else that we are going to allow future development outside of the city limits.

Alderman Kinion moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the resolution passed 7-0. Alderman Long, Gray, Marsh, Kinion, Petty, Bunch, and La Tour voting yes. Alderman Tennant was absent.

Resolution 121-17 as recorded in the office of the City Clerk

NWA Capital Investments, LLC: A resolution to sell about 3 acres of land in the Commerce District to NWA Capital Investments, LLC for \$45,000.00.

Don Marr, Chief of Staff gave a brief description of the resolution. He requested for the resolution to be tabled indefinitely.

Alderman Long moved to table the resolution indefinitely. **Alderman Marsh** seconded the motion. Upon roll call the motion passed 6-0. **Alderman Long, Gray, Marsh, Kinion, Bunch, and La Tour** voting yes. **Alderman Petty** was absent during the vote. **Alderman Tennant** was absent.

This resolution was Tabled Indefinitely

Appeal VAR 17-5782 (1541 W. MLK Blvd./Panera Bread): A resolution to partially grant the variance request submitted by Bates & Associates, Inc. to allow a more complete curb cut access for 1541 West Martin Luther King, Jr. Boulevard.

Jonathan Curth, Senior Planner gave a brief description of the resolution. The Planning Commission recommended that they be allowed to have right in and right out access. City staff is recommending in favor of their request for three quarter access.

Mayor Jordan: You all are okay with left in and right in and right out?

Jonathan Curth: Correct.

City Attorney Kit Williams: I spoke to one of the applicants on this and he indicated the three quarters access would be acceptable.

Steve Fowler, 4746 Maple Grove Drive stated the main thing was having access to Martin Luther King. He stated they don't have a problem with the three quarter access.

Alderman Gray moved to approve the resolution. **Alderman Long** seconded the motion. Upon roll call the resolution passed 7-0. **Alderman Long, Gray, Marsh, Kinion, Petty, Bunch, and La Tour** voting yes. **Alderman Tennant** was absent.

Resolution 122-17 as recorded in the office of the City Clerk

LSD 17-5771 (Master Street Plan Amendment between Crossover Road and Bridgewater Lane/Springhouse Village): A resolution to amend the Master Street Plan by changing the alignment of an unnamed street between Crossover Road and Bridgewater Lane and by reclassifying it from a collector street to a local street.

Jonathan Curth, Senior Planner gave a brief description of the resolution. The Planning Commission voted unanimously in favor of the request. Staff recommends the request.

Alderman Gray moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the resolution passed 7-0. Alderman Long, Gray, Marsh, Kinion, Petty, Bunch, and La Tour voting yes. Alderman Tennant was absent.

Resolution 123-17 as recorded in the office of the City Clerk

RZN 17-5772 (810 S. Cherry Ln./ Sweetser Properties): An ordinance to rezone that property described in rezoning petition RZN 17-5772 for approximately 0.53 acres located at 810 south Cherry Lane from RSF-4, Residential Single Family, 4 units per acre to RMF-24, Residential Multi- Family, 24 units per acre.

City Attorney Kit Williams read the ordinance.

Jonathan Curth, Senior Planner gave a brief description of the ordinance. Staff supports the request. The Planning Commission voted 7-0 in favor of the request.

Dave Jorgensen, Representing Sweetser Properties stated he was available to answer questions.

Alderman Marsh: Due to high traffic counts, did you consider rezoning this to a mixed use? It seems like this would be an excellent place for some commercial activity.

Dave Jorgensen: We did not. The owner wants to build a townhouse on the corner.

Alderman Long moved to suspend the rules and go to the second reading. Alderman La Tour seconded the motion. Upon roll call the motion passed 7-0. Alderman Long, Gray, Marsh, Kinion, Petty, Bunch, and La Tour voting yes. Alderman Tennant was absent.

City Attorney Kit Williams read the ordinance.

Alderman Marsh: I would like the applicant to reconsider their proposal with the idea of including some sort of commercial activity. I want to hold it on the second reading.

Alderman La Tour: I believe we should defer to the applicant's desires. Some people don't want coffee shops. Some people want it to be just a residential neighborhood. We shouldn't impose our personal preferences. I don't want to hold it.

Alderman Marsh: This is an economic development issue. We need more services and jobs in that area. This is a large corner lot in a high traffic corridor.

Alderman Gray: I agree we need to hold it. I am surprised that we do not have any residents here speaking. We have had several calls about this area.

Mayor Jordan: Keep in mind Council that you don't have to pass these all in one evening.

This ordinance was left on the Second Reading

RZN 17-5776: (1320 S. College Ave./Sugarland Properties): An ordinance to rezone that property described in rezoning petition RZN 17-5776 for approximately 0.31 acres located at 1320 South College Avenue from NC, Neighborhood Conservation to RI-U, Residential Intermediate, Urban.

City Attorney Kit Williams read the ordinance.

Jonathan Curth, Senior Planner stated that the applicant is requesting to leave it on the first reading.

This ordinance was left on the First Reading

RZN 17-5770 (769 & 785 S. Washington Ave./Warford Properties): An ordinance to rezone that property described in rezoning petition RZN 17-5770 for approximately 0.45 acres located at 769 and 785 South Washington Avenue from NC, Neighborhood Conservation to RI-U, Residential Intermediate, Urban.

City Attorney Kit Williams read the ordinance.

Jonathan Curth, Senior Planner gave a brief description of the ordinance. Staff does not support the request. The Planning Commission voted 6-0 in favor of the request.

Michael Ward, Representing Property Owner gave a brief description of the area. He believes master plans are most effective when they can breathe and be flexible. They should allow for subtle changes in the neighborhood and to incorporate new knowledge. He stated there is a need for quality and attainable housing in the city.

Alderman Petty: Jonathan, at the Agenda Session you said something about the lot widths and the historic plat for this neighborhood. Can you remind us what they were?

Jonathan Curth: The large areas of the Walker Park neighborhood was originally platted with 25 foot lots with the intent being that someone could either buy one 25 foot and develop on it or two 50 foot. You could accrue however many lots your income allowed.

Alderman Petty: Do we have any insight into why when we were developing this plan and trying to recognize the history of it that Neighborhood Conservation was crafted with minimum lot widths that were a departure from the original plat? Why was the neighborhood zoned to restrict uses to single family in a departure from the historic uses?

Jonathan Curth: The Neighborhood Conservation zoning district was created originally as part of the downtown master plan. I don't believe it was done with the Walker Park neighborhood in mind. I think the intent was to reflect some of the single family development that still remained in the area.

Rebecca Champagne, South Church stated the property is under contract. She stated she is in support of the rezoning and is requesting Council approval.

Paula Williford Combs, 1018 South Washington Avenue stated it is an old neighborhood and was platted out as long narrow lots. She stated people have been able to build long homes that fit into the neighborhood and wants to keep it that way.

Nancy Kahanak, 952 South Washington stated her main concern is not wanting apartment housing.

Alan Ostner, 312 South Block stated there is not a single block in the neighborhood that doesn't have a major project going on. He stated the single family that Neighborhood Conservation has brought in has been a success. He stated a conditional use can be done to get duplexes and triplexes and not have to rezone.

Randy Nix, 1372 South College spoke against the rezoning.

Alderman Petty gave a brief description of the choice to rezone or not. He stated if they rezone the owner will be able to make a modest return building smaller homes. He believes the homes won't have to be as expensive as larger ones because there may be a few more of them. He doesn't think that passing the rezoning is making all infill appropriate. He stated that the master plan today is a plan of extremes. He stated that an equilibrium needs to be found and believes that RI-U is a good candidate for that. He stated most builders and developers can't rely on conditional use permits because the threshold for submitting a complete application is so high and costly. They can't justify the risk before they know if the Planning Commission will view their project favorably. He gave a brief review of the Walker Park Neighborhood Master Plan. He stated when he thinks about the future, a minimum of 20,000 dwelling units are needed in Fayetteville to account for population growth. He stated if they aren't built then prices skyrocket. He spoke about building standards and current code.

Alderman Marsh: I support this rezoning. We have a diversity of household types and we need a diversity of housing to address them. Household structures are changing. We have a growing population of people for whom a single family home is not the most appropriate house type. When I compare Neighborhood Conservation to the RI-U zoning that is proposed, the height stays the same and we are getting smaller lot size. We don't have much to offer between student housing and single family homes for people who are graduating from college. We have a missing middle and this is a good opportunity to create some of that housing. South Fayetteville has historically been a neighborhood for working class people. For someone who is earning low wages, how are they supposed to get in if the barrier to home ownership is high because we are requiring that each home has all of this land and is a stand-alone dwelling? We should be putting density close to commercial corridors.

Alderman Marsh moved to suspend the rules and go to the second reading. Alderman Gray seconded the motion. Upon roll call the motion passed 6-1. Alderman Long, Gray, Marsh, Petty, Bunch, and La Tour voting yes. Alderman Kinion voted no. Alderman Tennant was absent.

City Attorney Kit Williams read the ordinance.

Alderman Gray moved to suspend the rules and go to the third and final reading. **Alderman Marsh** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Long, Gray, Marsh, Kinion, Petty, Bunch, and La Tour** voting yes. **Alderman Tennant** was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan gave a brief historical description of the Walker Park Plan in 2017 and the Fayette Junction plan. He stated he lives in a neighborhood that has houses, duplexes, and apartments and they have lived there for 20 years without any issues.

Alderman Kinion stated he was a part of the Walker Park Plan project. He stated he is voting against the rezoning because he believes there has to be respect for the intent of the Walker Park Plan and respect to the neighbors. He stated that if a conditional use is needed to move forward on property, it is a valuable tool to utilize so respect can be shown to the zoning that is in place.

Mayor Jordan: Those are good points, **Alderman Kinion**. I believe we put together a plan that everybody worked on together. It is difficult. I understand the new rezonings and the need for affordable housing.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-1. **Alderman Long, Gray, Marsh, Petty, Bunch, and La Tour** voting yes. **Alderman Kinion** voted no. **Alderman Tennant** was absent.

Ordinance 5980 as Recorded in the office of the City Clerk

Amend UDC and Rezone - RZN 17-5713 (College Ave. from North St. to Maple St./College Ave.): An ordinance to amend the Unified Development Code to create a new zoning district, Urban Thoroughfare Light; UT-1, to change or amend definitions of "building height" and "stories" and to rezone lots along and on both sides of College Avenue running from North Street to Maple Street containing about 24.62 acres as shown on Exhibit A of the Planning Department's memo.

City Attorney Kit Williams passed out a memo and a proposed change. He stated he was requested by Council at the Agenda Session to separate the ordinance on College to only include the new zoning district and the definitions for that and not the actual rezoning of College itself.

Alderman Marsh moved to amend to separate the ordinance on College to only include the new zoning district and the definitions for that and not the actual rezoning of College itself. **Alderman Kinion** seconded the motion. Upon roll call the motion passed 6-1. **Alderman Long, Gray, Marsh, Kinion, Bunch, and La Tour** voting yes. **Alderman Petty** voting no. **Alderman Tennant** was absent.

City Attorney Kit Williams read the ordinance.

Alderman Petty: I'm generally in favor of the goals of these actions as originally proposed. I'm receptive to most of the suggestions of the Planning Commission. Right now we are absent a Development Services Director. I'm concerned with such a complicated action that we will be able to move through this in a timely manner that still arrives at a quality decision. I don't think it is appropriate to delay this and make any decision contingent upon hiring for the position. I don't think that because this topic can be so complicated that discussion at the Council level will be particularly expedient or efficient. I'm not making the point we should rush into anything, but I worry we will get bogged down into the complexities of this decision. I am in favor of referring this to the Ordinance Review Committee. I am insistent that if we do that, the members of the Planning Commission be invited to participate in those discussions. There aren't any easy decisions left whenever it comes to these kinds of things. We need to remind ourselves of what the current zoning entitles property owners to build by right and the effect of the current zoning might have on the abutting neighbors. We just came out of a recession and I've heard it said from people that we don't need to worry about what it is zoned currently because nothing has happened. If the development pressures that are manifesting in South Fayetteville or anywhere else in this city are lasting they will manifest here too, whether we rezone this or not. For those reasons I believe it is a mistake to write off the impact of the current zoning.

Mayor Jordan: You can send the new zoning to the Ordinance Review Committee. If you hold the zoning on the first or second reading then you should have something back from Ordinance Review within two weeks.

City Attorney Kit Williams: We can't formally send it to Ordinance Review. Usually it is accepted by the Chairman and I'm sure he will do that. It takes some time to get something through the agenda, I would think we wouldn't want to go to the second reading. We need to leave it right here. It will allow more time for the Ordinance Review Committee to take a look at it. In my memo I mentioned that this would probably be the right thing for you to do.

A discussion followed about the process of scheduling an Ordinance Review Committee meeting.

Don Marr, Chief of Staff stated it is the staff's recommendation that Ordinance Review take this and look it. He stated there are discrepancies and concerns about the density limits, height, and rooflines. He stated they want to make available the staff that supports the Planning Commission and have the Planning Commissioners attend if that is the wishes of the Council. We believe you should not act on this tonight and defer it so we can get it right.

Alderman Marsh: We are headed in the right direction with this. I appreciate the work that staff and Planning Commission has done. I want us to consider the new zoning classification UT-L separately from the specific application on North College Avenue. I don't want the two issues to muddy each other.

A discussion followed about leaving it on the first reading.

This ordinance was left on the First Reading

Amend the Rules of Order and Procedure: A resolution to amend the Rules of Order and Procedure of the Fayetteville City Council A. **City Council Meetings 7. Presentation of Agenda Items** by amending subsection d.(2) **Public Comments.**

Alderman Gray stated we are not trying to limit citizen input, but asking that citizen input be better organized and briefer. She spoke about the length of time some citizens speak and other citizens leaving because it was taking too long waiting for their turn. She stated the City Attorney wrote that the Mayor can bypass this at any time on any issue. A Council member can also call a citizen back up to talk again if the Council member senses that the citizen did not get everything said. She stated we are bringing forth the five minute limit on citizen input in hopes of using time more wisely.

City Attorney Kit Williams read the two sentences that are proposed to be added. He said, "Speakers shall be limited to a maximum of (5) five minutes so that all other citizens desiring to speak on that agenda item or a later item will not be unnecessarily inconvenienced. By a majority vote of the City Council Members present and voting, this time limitation may be altered for a specific agenda item."

Alderman Petty stated he believes the true impact is captured in the two sentences that the City Attorney read.

Alderman Kinion: I don't want citizens to feel like I am restricting their opportunity to speak to City Council. We have great committees and input in Fayetteville. This is not to restrict opportunity, but to afford opportunity so more people will have the chance to approach the podium in a more efficient manner.

Alderman Marsh: For citizens who have more complex or time consuming thoughts to convey, they are always free to email us. I read every email that citizens send.

Alderman La Tour: I believe most people convey what they want in less than five minutes. I don't think this rule is going to necessarily impose on very many of our speakers before us. We appreciate everyone who comes to City Council and expresses their opinions.

Mayor Jordan: When someone comes to the podium for five minutes, I will let them know that their five minutes is up. We will abide by the rules unless a Council member wants to hear more. I would like to have the majority of this Council to agree on that, rather than me having to get into a squabble. I would like a motion and a second for more time for a speaker. When an applicant is asking for a rezoning, they are going to get more time because of presenting a plan?

City Attorney Kit Williams: Yes. The applicant is a single presenter. They are not bound by this, nor is staff.

Don Marr, Chief of Staff: When a citizen wants to make a presentation and a Council member makes that motion, then you have allowed people to make a presentation on behalf of a neighborhood. There are opportunities for more complex items through a presentation format.

Mayor Jordan: If I have someone from a neighborhood make a presentation, most times they will go longer than five minutes. Do you want me to let them go longer than five minutes?

City Attorney Kit Williams: Right now the rules say five minutes. This rule allows that to be changed by a simple majority of the City Council members present and voting. It doesn't require five votes if we don't have a full Council.

There was a brief discussion about neighborhood representative presentation time limits.

Alderman Marsh: I would like us to explore some technology to manage this.

Don Marr: Your new technology that you have in front of you has a capability for us to set a timer. It does a countdown item of that five minutes on all of the screens.

Mayor Jordan: I will be watching the time.

Alderman Long: In order to ensure we are not limiting citizens' access to government, there is a rule that we can call people back up to the podium.

Alderman Gray: When a citizen wants to do a Powerpoint, do they contact the City Clerk office?

City Attorney Kit Williams: Yes. We try to run it through the City Clerk office to make sure their media is going to work with our media.

Don Marr: We typically reference them to the Council member of their particular ward. The rules require you to make the motion to have a presentation by them.

Alderman Gray: Isn't that limited to five minutes?

City Attorney Kit Williams: That is limited, but you have the right to extend it if you would like.

Mayor Jordan stated he was flexible, but will keep everyone on track.

Alderman Long moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the resolution passed 7-0. Alderman Long, Gray, Marsh, Kinion, Petty, Bunch, and La Tour voting yes. Alderman Tennant was absent.

Resolution 124-17 as recorded in the office of the City Clerk

Announcements:

On June 8, 2017 at 9:30 a.m. at 1400 North Fox Hunter Road there will be a ribbon cutting at the Fayetteville Noland Wastewater Treatment Facility to celebrate a first of its kind water disinfection system installation.

On June 8, 2017 at 2:00 p.m. at 2505 East Borick Drive will be a ribbon cutting of the new Fire Training Center.

On June 8, 2017 at 5:30 p.m. will be the Mayor's award for outstanding service in historic preservation. It will take place in City Hall in Room 326.

On June 8, 2017 after 4:00 p.m. and all day June 9, 2017 will be a utility billing and conversion implementation for water bills. Bills can be paid online. Normal business will resume on Monday, June 12, 2017.

The Gulley Park Concert Series are on Thursday nights at 7:00 p.m.

City Attorney Kit Williams: I will miss the next Agenda Session. The National League of Cities is flying me to New York to be on a panel talking about state preemption of municipal powers.

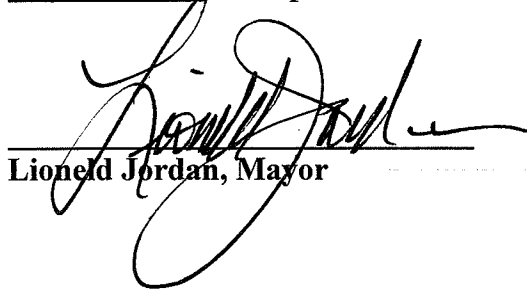
City Council Agenda Session Presentations:

Agenda Session Presentation - Parking Study Recommendations by Nelson Nygaard.

Agenda Session Presentation - Seven Hills Financial Update.

City Council Tour: None

Adjournment: 8:00 p.m.


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

Chair
Alderman Mark Kinion
Ward 2 Position 1

Alderman Sarah Marsh
Ward 1 Position 2



Alderman Sarah Bunch
Ward 3 Position 2

Alderman Alan T. Long
Ward 4 Position 2

Nominating Committee Report May 22, 2017

Members Present – Chair Mark Kinion, Sarah Marsh, Sarah Bunch and Alan Long

The Advertising and Promotion Commissioners recommend the following appointment:

ADVERTISING AND PROMOTION COMMISSION

Todd Martin – One owner or manager of a business in the tourism industry partial term ending 03/31/21

The Mayor recommends the following appointments to the Historic District Commission:

HISTORIC DISTRICT COMMISSION

Angela Albright - citizen at large term ending 06/30/20

Rhianon DeLeeuw - citizen at large term ending 06/30/20

The Nominating Committee recommends the following candidates for appointment:

ANIMAL SERVICES ADVISORY BOARD

Lea Criss - One citizen at large term ending 06/30/20

Jill Shade - One citizen at large term ending 06/30/20

ENVIRONMENTAL ACTION COMMITTEE

Ryan Mills - One citizen at large term ending 06/30/20

Erin E. Scott - One Science Discipline term ending 06/30/20

FAYETTEVILLE ARTS COUNCIL

Ashley L. Byers - One working artist term ending 06/30/20

Justin R. Hunter - One arts and cultural/citizen at large term ending 06/30/20

TELECOMMUNICATIONS BOARD

Justin Van Hoose – One citizen at large term ending 06/30/21

Zakaria Tamijani – One citizen at large term ending 06/30/21

Vacant/did not receive a sufficient amount of applications – One citizen at large term ending 06/30/21

WALTON ARTS CENTER COUNCIL

Sarah E. Lewis – One citizen at large term ending 06/30/20

Casey Hamaker – One citizen at large term ending 06/30/20