

Council Member Adella Gray
Ward 1 Position 1

Council Member Sarah Marsh
Ward 1 Position 2

Council Member Mark Kinion
Ward 2 Position 1

Council Member Matthew Petty
Ward 2 Position 2



Council Member Justin Tennant
Ward 3 Position 1

Council Member Sarah Bunch
Ward 3 Position 2

Council Member John La Tour
Ward 4 Position 1

Council Member Alan T. Long
Ward 4 Position 2

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

**City of Fayetteville Arkansas
City Council Meeting
October 3, 2017**

A meeting of the Fayetteville City Council was held on October 3, 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: Council Member Sarah Marsh, Mark Kinion, Matthew Petty, Sarah Bunch, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Absent: Council Members Adella Gray, Justin Tennant, and John La Tour.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Mayor Jordan: Item three on the Consent Agenda will be pulled. Is it going to be put back on the agenda anywhere?

City Attorney Kit Williams: We can't totally pull it off without putting it on the agenda someplace. The person who is the proponent of this wants it denied because they want to redo the item. Sondra, when will we look at this item?

City Clerk Treasurer Sondra Smith: Right after the Consent Agenda.

City Council Meeting Presentations, Reports, and Discussion Items:

Monthly Financial Report - Paul Becker

Paul Becker, Chief Financial Officer gave a brief summary of the Monthly Financial Report for 2017.

Nominating Committee Report - Housing Authority Board

Council Member Kinion presented the Nominating Committee report for the Housing Authority Board and recommended the appointment of Melissa Terry.

A copy of the report is attached.

Council Member Long moved to approve the Nominating Committee Report. **Council Member Kinion** seconded the motion. Upon roll call the motion passed 5-0. **Council Members Long, Marsh, Kinion, Petty, and Bunch** voting yes. **Council Members Adella Gray, Justin Tennant, and John La Tour** were absent.

Agenda Additions: None

Consent:

Approval of the September 19, 2017 City Council Meeting Minutes.

Approved

Missy Gipson Lease Agreement: A resolution to approve a short-term lease agreement with Missy Gipson for the Drake Field Terminal Building banquet area for rent in the amount of \$775.00.

Resolution 197-17 as recorded in the office of the City Clerk

Arkansas Department of Aeronautics: A resolution to authorize the application for an 80/20 matching grant from the Arkansas Department of Aeronautics in the amount of \$148,720.00 for rehabilitation of the terminal parking lot at Drake Field.

Arkansas Department of Aeronautics was removed from the Consent Agenda and placed before Unfinished Business for discussion.

Bid #17-52 Cintas Corporation: A resolution to award Bid #17-52 and authorize the purchase of Class C Uniforms from Cintas Corporation as needed by the Fire Department through 2022, at an estimated cost of \$13,728.30 per year.

Resolution 198-17 as recorded in the office of the City Clerk

Bid #17-53 Rush Running Company: A resolution to award Bid #17-53 and authorize the purchase of running shoes from Rush Running Company as needed by the Fire Department through 2022, at an estimated cost of \$8,400.00 per year.

Resolution 199-17 as recorded in the office of the City Clerk

Hutchens Construction Co.: A resolution to award Bid #17-60 and authorize a contract with Hutchens Construction Co. in the amount of \$26,082.00 for parking lot paving at the city-owned property occupied by the Ellen Smith Head Start Program located at 2052 South Garland Avenue.

Resolution 200-17 as recorded in the office of the City Clerk

Fayetteville Race Series/Special Events: A resolution to approve a budget adjustment to increase funding for the Fayetteville Race Series by the amount of \$10,726.00.

Resolution 201-17 as recorded in the office of the City Clerk

Fayetteville Senior Activity and Wellness Center Kitchen Expansion: A resolution to approve a budget adjustment recognizing Community Development Block Grant funds in the amount of \$150,000.00 for the Senior Activity and Wellness Center Kitchen Expansion, and to approve a project contingency in the amount of \$50,000.00.

Resolution 202-17 as recorded in the office of the City Clerk

Trail of Tears Memorialization Historical Event: A resolution to approve a payment in the amount of \$4,000.00 to the University of Arkansas for costs associated with a Trail of Tears Memorial, and to approve a budget adjustment.

Resolution 203-17 as recorded in the office of the City Clerk

Bid #17-39 Benchmark Construction of NWA, Inc.: A resolution to award Bid #17-39 and authorize a contract with Benchmark Construction of NWA, Inc. in the amount of \$366,000.00 for construction of the Water and Sewer Outbuildings, to approve a project contingency in the amount of \$36,600.00, and to approve a budget adjustment.

Resolution 204-17 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 \$107,144.55 for engineering services associated with utility relocations along Highway 16 between College Avenue and Huntsville Road required for Arkansas Department of Transportation Job 040579, and to approve a project contingency in the amount of \$10,714.45.

Resolution 205-17 as recorded in the office of the City Clerk

Hawkins-Weir Engineers, Inc.: A resolution to approve a professional engineering services agreement with Hawkins-Weir Engineers, Inc. in an amount not to exceed \$121,800.00 for engineering services related to the Goshen and Benson Water Tank Improvements, and to approve a project contingency in the amount of \$12,180.00.

Resolution 206-17 as recorded in the office of the City Clerk

Scott Hancock Conveyance of a Permanent Access Easement: A resolution to approve the conveyance of a permanent access easement to Scott Hancock across part of the south portion of the Gulley Road Water Tank property to allow a secondary point of access.

Resolution 207-17 as recorded in the office of the City Clerk

Garden District Townhomes, LLC: A resolution to approve a cost share agreement with Garden District Townhomes, LLC for construction of a sewer main along a portion of 9th Street between South College Avenue and South Washington Avenue with the total cost to Garden District Townhomes not to exceed \$5,611.14.

Resolution 208-17 as recorded in the office of the City Clerk

Bid #17-55 A&A Service Electric Inc.: A resolution to award Bid #17-55 and authorize a contract with A&A Service Electric, Inc. in the amount of \$810,483.00 for the installation of lighting along the Mud Creek Trail and the northern portion of the Razorback Regional Greenway, to approve a project contingency in the amount of \$16,209.66, and to approve a budget adjustment.

Resolution 209-17 as recorded in the office of the City Clerk

Hearth Homeless Housing Program: A resolution to authorize the addition of 1.0 full time equivalent position to the Community Resources Division to hire a third case manager to provide housing services for homeless Fayetteville residents.

Resolution 210-17 as recorded in the office of the City Clerk

Council Member Marsh moved to accept the Consent Agenda as read. Council Member Kinion seconded the motion. Upon roll call the motion passed 5-0. Council Members Long, Marsh, Kinion, Petty, and Bunch voting yes. Council Members Gray, Tennant, and La Tour were absent.

Arkansas Department of Aeronautics: A resolution to authorize the application for an 80/20 matching grant from the Arkansas Department of Aeronautics in the amount of \$148,720.00 for rehabilitation of the terminal parking lot at Drake Field.

Arkansas Department of Aeronautics was removed from the Consent Agenda and placed before Unfinished Business for discussion.

Terry Gulley, Transportation Services Director gave a brief description of the resolution. He stated he wants to pull the item and bring it back at a later date.

Mayor Jordan: How long?

Terry Gulley: Not sure.

Mayor Jordan: You want to table it?

City Attorney Kit Williams: You can table it indefinitely if you want.

Council Member Long moved to table the resolution indefinitely. Council Member Kinion seconded the motion. Upon roll call the motion passed 5-0. Council Members Long, Marsh, Kinion, Petty, and Bunch voting yes. Council Members Gray, Tennant, and La Tour were absent.

This resolution was Tabled Indefinitely

Unfinished Business:

Appeal of LSD 17-5775: (324 E. 12th Place/Morgan Manor Apts. Addition): A resolution to grant the appeal of City Council Member Sarah Marsh and to deny the Fayetteville Housing Authority's application for a Large Scale Development. *At the September 19, 2017 City Council Meeting this resolution was tabled to the October 3, 2017 City Council Meeting.*

Council Member Marsh: This issue has come to my attention through concerned citizens. The Housing Authority is attempting to concentrate poverty in a portion of South Fayetteville. It is far removed from services, access to schools, and critical infrastructure that tenants need. Planning Commissioner Quinlan has sent a packet of information to us that summarizes the issue. The process that the Housing Authority used does not meet the high standards of the City of Fayetteville in regard to transparency, public process, and citizen engagement. We have to make a decision based on the projects compliance with the Unified Development Code. Approval of the Morgan Manor development is one of the three triggering conditions of approval for sale of our Willow Heights housing project. Keep that in mind as you consider whether or not this development meets the prerequisites of our UDC. I am making the appeal based on subsection 4, which will create or compound a dangerous traffic condition. The proposed plan more than doubles the number of families living on South Wood Avenue, which does not meet City of Fayetteville standards. Our code states that when a proposed development has access to paved streets or roads only by way of substandard streets, the developer shall be responsible for contributing this proportionate share of the cost of improving the substandard access streets to existing city streets. The FHA has stated that the residents have a lower car ownership rate than typical Fayetteville population and are more dependent on walking, biking, and transit. In the neighborhood where they are proposing to move these residents, it's only accessible by substandard streets. The sidewalks are not handicap accessible. Fayetteville public schools will not be able to send school buses down the street. Children will have to walk to College Avenue to meet the closest school bus route, whereas at their

existing location they are able to walk to the elementary school. Increasing the number of residents' dependent on walking in a neighborhood that requires walking in the street compounds an already dangerous traffic situation.

Mayor Jordan: Andrew, I would like to hear staff's perspective on this.

Andrew Garner, City Planning Director: From a traffic safety standpoint, the Council should proceed with caution if you find this to be a dangerous neighborhood or situation. This is similar to many streets throughout the whole city, as far as street widths and sidewalks. The city contributed money for the Willow Bend project which is creating over 80 units on the same street, just to the north of here. It was approved by the Planning Commission that it met a safe traffic situation, with even more traffic. In this particular neighborhood, it's not like some of the other neighborhoods in Fayetteville where it's very steep and you might have some sight distance and access issues to be aware of that could create a dangerous sight lines of cars and pedestrians. In fact, this is one of the more flat areas and many of the streets here do have sidewalks at the back of curb and streets are slow speed and well connected. One of the excellent things about these older neighborhoods is they have good bones as far as street connections. This project would improve traffic safety and improve street connectivity. I'm not sure about the school bus issue as far as where the school buses run. This would allow fire trucks and ambulances to come down Wood Avenue and come out at 15th Street. From the Development Services Department, we don't feel like this would be creating or compounding a dangerous traffic situation.

Mayor Jordan: You think it will improve the situation from what it is now?

Andrew Garner: It will improve the situation for the whole neighborhood.

Mike Emery, Housing Authority Board of Commissioners Chairman: The primary goal of the Housing Authority is to provide safe and affordable housing to low income families. I have a petition that represents 75% of our Willow Heights residents who are in favor of this move and project. We are disappointed at the actions surrounding this appeal of the Planning Commissions' approval. Any citizen who walked through the front doors of City Hall this evening could see the posted business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. That same information appears on the city website. The appeal of our project was filed at 5:21 p.m. on the last day and was allowed to stand. Our formal protest of this appeal was denied by the City Attorney on the grounds that, "The City Clerk's Office was in reality open for business at 5:21 p.m. on August 28, 2017, and so the submitted appeal was timely." By law the City Council is bound to the same rules as the public concerning appeals. If the information available to the public indicates close of business is 5:00 p.m., then the City Council members should be held to that same standard. There were people questioning why the Housing Authority was not represented during your meeting two weeks ago. We did not know about the appeal. The city notification system failed to inform the Housing Authority.

Mayor Jordan: What we are trying to discuss right now is the project. We'll get to that end of it, but I would like to see why you all think this is a good project.

Deniece Smiley, Housing Authority Executive Director spoke about the conditions at Willow Heights. She stated she received her capital fund award from HUD and has \$47,000 for capital improvements at Willow Heights. She stated it would cost over \$4 million dollars to repair Willow Heights. She spoke about the water and sewer line pipe conditions at Willow Heights and in the last couple of years they have spent over \$5,000 in repairing sewer line issues. She stated they own the Morgan Manor land and it would not add extra cost to the construction cost. She stated that this is about residents having safe, decent, and affordable housing and what they have now is not very safe. She doesn't know when the lines will collapse, but since they are already having problems, she believes it is going to happen soon and doesn't know where the money is going to come from. She stated emergency grants take a while to get, bills have to be paid and she doesn't know where the money is going to come from. She spoke about HUD requiring a certain amount of money to be set aside to be operable. She believes the project is necessary.

Council Member Marsh: Through the Freedom of Information Act, we found that through your own cost assessment, you could bring the 40 existing units up to standards for \$2.1 million. The new construction is \$8.65 million. None of this is relevant because we are here to discuss whether or not the Morgan Manor proposal is consistent with our Unified Development Code.

Deniece Smiley: It is relevant. When we had our proposals, one proposal was done for one specific reason, physical need assessment. You looked at the exterior of the building. You didn't look at pipes and possible asbestos. When the city asked for another proposal, we got that. It came back at over \$4 million and we don't have that. We have \$47,000. RAD is going to allow us to use a process to make better housing for our residents. They don't have central air, it isn't ADA accessible, and there are plumbing problems. I can't do my job to provide fair, safe, and affordable housing with the conditions and the financial straits we are in.

Mayor Jordan: How is this development going to help the area? How are we going to get access to the roads? How does this all work in the neighborhood to meet the code? We can talk about money and whether the appeal was proper, but Council Member Marsh brings up a good point in that is this compatible with the neighborhood around it? If that is so, I would like to keep the topic with that as best we can.

City Attorney Kit Williams: Mayor, I informed the Planning Commission we can't look at compatibility. That is something that should be done by zoning.

Mayor Jordan: Okay.

City Attorney Kit Williams: As Council Member Marsh stated, the only things we can look at are printed in our Unified Development Code. There are six reasons for potential denial of a Large Scale Development. The only one that has any real discretion in it is the one she mentioned, which says the proposed development will create or compound a dangerous traffic condition. For purposes of this section, a dangerous traffic condition shall be construed to mean a traffic condition in which the risk of accidents involving motor vehicles is significant due to factors such as, but not limited to high traffic volume, topography or the nature of the traffic pattern. Whether or not this is a good project or Willow Heights needs to be removed or kept has no bearing whatsoever in this decision. That particular decision was made and is the responsibility of the Fayetteville

Housing Authority. They made the decision and thought it was in the best interest of their clients to go in this direction. Reasonable people can disagree and say that is not right, but that is not an issue before us. Even though you would like to defend that decision and other people would like to attack it, it's really not before the City Council. It is whether or not, one of these six factors in our UDC have been violated. If one has been violated, the Large Scale Development can be turned down. If none of them have been violated, it must be approved.

Eric Gold, Manager and Principal of RAD Conversion Specialists stated he is a consultant to the Housing Authority and was surprised by the number of allegations made against them and the Housing Authority at the September 19, 2017 City Council meeting. He stated the application for Large Scale Development should be judged on whether or not it meets the minimum requirements of the UDC. He gave a brief description about the parameters under which the Housing Authority makes its decisions. He stated that during the September 19, 2017 City Council meeting, Council Member La Tour expressed his concerns about the egregious allegations being made against RAD and the Housing Authority. He stated he would like to refute the allegations.

Mayor Jordan: We have to stay with the Unified Development Code. The City Attorney has laid out the ground rules.

Eric Gold: There were a number of egregious allegations being made against the Housing Authority and us. We should have an opportunity in public to respond to those. We would have had a chance if we had been notified of the meeting two weeks ago.

Mayor Jordan: Our meetings are always publicized by the City Clerk. The City Attorney has laid out the ground rules of what we are here to discuss and that is the Unified Development Code.

George Ducane, Blew & Associates: What was the violation that we had against the UDC? What was the reason it was brought back for appeal?

City Attorney Kit Williams: That it violated one of the six factors of the UDC that allow for rejection of a Large Scale Development. As made more clear tonight and at the last meeting was the allegation it would create or compound a dangerous traffic situation.

George Ducane spoke about creating multiple levels of connectivity for the apartment project.

There was a brief description about streets being connected and widened.

George Ducane: We'll have better connectivity to Washington and to Wood Avenue from our property which we do not have at this time.

Mayor Jordan: Andrew, are you in agreement with that?

Andrew Garner: I do agree with the applicant's engineer.

Council Member Marsh: Will you be connecting Wood Avenue all the way through to 15th Street?

George Ducane: At this time that is not part of our budget.

Council Member Marsh: There are two means to exit this development. It is going to be through South Washington Avenue or South Wood Avenue?

George Ducane: Correct.

Council Member Marsh: Both are substandard streets.

George Ducane: Only through development do we get better streets. As part of our development we would be improving our section of the streets. We would hope that the development up north from us would also improve the rest of the streets.

Council Member Marsh: Most of the rest of that street is already developed. Andrew, show us the route students would walk to Washington Elementary from Morgan Manor. What is the safest way?

Andrew Garner: I haven't looked at the full route. It is quite a way I think from Washington. The quickest route would be out to the west and then eventually up South School. There are a number of different routes because it is a grid street system. Likely, if you are walking it would be on smaller streets that are 20 feet to 25 feet wide. In some places, there are sidewalks at the back of the curb and some places there aren't sidewalks. This is similar to many other areas around schools.

Council Member Marsh: Where is a safe crossing for children to get to school across 71B?

Andrew Garner: Again, I haven't looked at Washington Avenue. That is quite a distance from the property. There is a couple of signalized crossings on 71. I believe there is one at Dickson Street and Mission.

Council Member Marsh: Which route would residents take to walk to a grocery store from the proposed development?

Andrew Garner: Probably the closest grocery store is at the corner of Highway 45 and College. You would probably take east of 71 Business route and walk up through neighborhoods. I don't think you would walk along 71 Business.

Council Member Long: Can we consider the impact of walking in regard to the Unified Development Code?

City Attorney Kit Williams: When you read the UDC, it talks about the risk of accidents involving motor vehicles. It doesn't talk about pedestrian safety there, but I think it's probably not totally off base that a pedestrian might be hit by a motor vehicle. We are looking at safety and you can look at it. We have to be reasonable in what we are looking at. We don't control the school district zones or bus routes. We need to stay within our own sphere and not get into another governmental entity sphere. Washington is a very long way from Morgan Manor and would be a

difficult thing, but that's not for us to decide. The school district would look at that and decide the safest way for children to walk and whether or not it's safer to have a bus take them somewhere.

Mayor Jordan: Have you talked to the school district about the routes? If you make these improvements, are they going to look at picking up children in the area?

Eric Gold: There is currently a bus stop at 12th and College. I talked to Route Coordinator, Rick McWhorter at the bus depot. He said that once the apartments were built, they could add a stop at Wood and McClinton, which would be even closer.

Mayor Jordan: You have talked to them and they are willing to put a bus stop at Wood and McClinton?

Eric Gold: Yes. The bus stop at College is only two blocks from the site. There are continuous sidewalks on both Wood and Washington all the way up to 7th and then continuous sidewalks from 7th to College all the way into Downtown. The Neighborhood Market is 1.1 miles from both sites. The Farmer's Market is a half mile further from Morgan Manor. There are several amenities that are closer to Morgan Manor such as the Jefferson Center, Walker Park, Senior Center, and Frisco Trail.

City Attorney Kit Williams reminded the public to stay on topic that is before the City Council and not whether it is a good project or not.

Bill Reagan, Fayetteville Resident voiced his concerns about drainage and traffic.

Olivia Trumble, Fayetteville Resident spoke about traffic concerns when walking from Morgan Manor to Washington Elementary.

Rachel Reynolds, South 12th Street spoke about pedestrian traffic safety and bus ridership.

Melissa Terry, Wood Avenue spoke about traffic concerns and sidewalk connectivity.

Trisha Gooding spoke about pedestrian traffic safety.

Council Member Kinion: You currently live where?

Trisha Gooding: On Spring Street.

Council Member Kinion: We are talking about safety issues. From where you live on Spring, are you saying it's a compounding issue that concerns you because you see it as an increase of risk and safety?

Trisha Gooding: I'm worried about my neighbors that live near me now.

Council Member Kinion: You think you are putting them in harm's way by moving them?

Trisha Gooding: Yes, by moving them away from a smaller and safer neighborhood.

Council Member Kinion: I'm basing my thought on what we are faced with, which is the safety issue down at the relocation of Morgan Manor. You do have a valid point of view when you care for your neighbors. Are you saying you think there is an increased risk of a pedestrian/car incident by relocating more individuals in this area?

Trisha Gooding: Correct.

Council Member Kinion: We have to look only at the integrity and safety of the neighborhood as we move forward. I'm feeling at this moment that there is an increased risk of safety in this area. There are topography challenges. There are areas needing infrastructure improvements and the city probably needs to step up and do it. Until that happens, it wouldn't be appropriate to move forward on this. There is an increased risk of safety. Until I hear something different, I will be basing my vote on the neighbors that actually live, walk, and know the neighborhood in which they live. Thank you to the Housing Authority. I was on the Housing Authority and it is not easy. We must work as a community to resolve the issue. In no way does this reflect on the Housing Authority.

Council Member Petty: I am careful about setting a new precedent with regards to the termination of creating or compounding a dangerous traffic condition. Are we able to consider the proposed development and its users might have a disproportionate rate of vehicle ownership or things of that nature? Are we restricted to merely considering what might be constructed?

City Attorney Kit Williams: We have to avoid speculation about things we don't have facts for, in regard to vehicle ownership, but also to traffic safety itself. Usually if you are looking at turning down a preliminary plat or Large Scale Development for traffic safety, then you have evidence. We have heard some residents say there are pedestrians in the street. I think what we haven't heard is that there is a significant danger right now where this place would have to empty out. You all approved Willow Bend with a much higher number of houses that will basically be connected to this new development. It concerns me as the City Attorney that we make sure to use the same measuring tool with every Large Scale Development that comes in and we don't treat one development different from its neighbor.

Council Member Petty: I share your concerns and caution. I have no desire to speculate about any other impacts or other measures. If we had documentation showing significant disparity in right of vehicle ownership, would we be able to consider that?

City Attorney Kit Williams: I would think if you had the documentation, you could. Normally a traffic study is done. That would be a better question for the traffic engineers who are the specialist in all of this. You have a lot of leeway to decide what factors you think can be important. I would not say you can't do that.

Council Member Petty: I'm reluctant to vote on this tonight since we have three absences on the Council. Unless I'm presented with incontrovertible evidence that shows a great disparity in rates of people who have to walk out of necessity in this project with respect to other projects, I don't

see a way to carve out a denial that doesn't have wide ramifications for other decisions. I detest inconsistent decisions. We know Willow Bend is a mixed income project and probably normal rates of people who have to walk out of necessity.

Mayor Jordan: Andrew, do you have any information on traffic?

Andrew Garner: I agree with the City Attorney in having a traffic engineer look at the rate generated for the type of development. I don't want to speculate.

Mayor Jordan: We did approve Willow Bend.

Council Member Petty: I think the data is there. It's at the rates of vehicle ownership at Willow Heights.

Council Member Marsh: Subsection 4 empowers us to consider the nature of the traffic pattern. If we had that data, it is a valid consideration point per the ordinance.

Mayor Jordan: I would be interested in the data also. Bussing was an issue for me, but there is going to be connectivity from the project to Wood Avenue, which changes things for me. I know they don't run bus routes down there. Andrew, for every hundred units, it's about a thousand trips a day?

Andrew Garner: Correct.

Mayor Jordan: We have how many units going in?

Andrew Garner: There are 58 units and about eight to ten vehicle trips a day. You are talking 500 to 600 trips a day. If there is some sort of ratio based on vehicle ownership, there might be fewer vehicle trips and more pedestrian trips. If compared to Willow Bend, they have 85 units and generate about 800 to 900 vehicle trips.

Council Member Kinion: People keep trying to compare this to Willow Bend, but the topography is very different here than at the upper part of Willow Bend. I lived over there. I know how the topography going up to meet College is very indicative of the routes you take in your vehicle and pedestrian access.

Council Member Marsh: If we were to take a conservative 500 trips a day and divided equally between the two streets, would an extra 250 trips a day on South Washington and Wood Avenue improve safety or not? I don't believe these streets are built to handle that kind of capacity safely and accommodate the amount of pedestrian traffic.

Council Member Long moved to table the resolution to the October 17, 2017 City Council meeting. Council Member Bunch seconded the motion. Upon roll call the motion to table passed 5-0. Council Members Long, Marsh, Kinion, Petty, and Bunch voting yes. Council Members Gray, Tennant, and La Tour were absent.

This resolution was tabled to the October 17, 2017 City Council meeting.

Mayor Jordan: There has been some discussion on the appeal process. Mike Emery brought it up earlier. Kit, you sent a memo on that.

City Attorney Kit Williams: It was a letter in response to Mr. Crouch who is representing the Housing Authority. I spoke with the City Clerk and she provided me a memo saying that on the website it says her office hours are 8:00 a.m. to 5:00 p.m., but normally she has scheduled and has her office open from 7:30 a.m. to 5:30 p.m. If that is her normal open time then when Council Member Marsh sent her notice of appeal at 5:21 p.m., then it was when the office was open. In fact, at that day, it was open. It was the opinion of my office and my assistant first and mine second that this was an appeal that was timely filed. As City Attorney for the last 16 years I've always interpreted this particular section as generously as possible to allow an appeal and to not deny an appeal. It doesn't mean if someone tries to send it in a day late or at midnight, does that mean we are going to accept it? Probably not, but in this particular case the facts make it clear to me that this appeal was timely filed. We told the City Clerk that when she asked. It is still our interpretation that the appeal was timely filed and is properly before the City Council.

Mayor Jordan: Sondra, do you have anything you want to add?

City Clerk Treasurer Sondra Smith: 99% of the time we have someone in our office from 7:30 a.m. to 5:30 p.m. and work through the lunch hours to accommodate citizens. We have a lot of citizens and staff and after-hours meetings we try to accommodate. We have a lot of citizens who want documents notarized before or after work. We do that as a courtesy for our citizens. I have people scheduled from 7:30 a.m. to 5:30 p.m.

Mayor Jordan: On the door of City Hall and on our website, we have our hours from 8:00 a.m. to 5:00 p.m. Do you see that as any sort of issue?

City Attorney Kit Williams: It does not affect my opinion in this particular case. I'm not even sure how they got on the City Hall front door. I know those doors are often open after 5:00 p.m. If you go to the County and it is close to 4:30 p.m. you aren't getting in. I've gone over there to file something and you better be at the Circuit Clerk's office before 4:30 p.m. I appreciate Sondra keeping her office open as she does. I think it is a service to our citizens. She is paying and scheduling someone to be there. That office is open. I don't think this is a close call in this case. The appeal was sent to Sondra during the time her office was open. It would be very hyper technical to try and say because the door said 5:00 p.m. then everybody is going to be closed at 5:00 p.m. I don't remember the City Council saying this will be the hours of operation of the City Clerk office. That is up to the City Clerk. There isn't a real question here and if it was ambiguous, I would interpret in favoring to allow the appeal, no matter who it was. I hold everybody to the same standard.

Mayor Jordan: Thank you. We have tabled this for two weeks. What information do you all need in the two-week time that we are tabled?

Council Member Bunch: I would like more information about the citizens rates of using vehicles.

Mayor Jordan: Andrew, what about a traffic engineer?

Andrew Garner: Something this technical we would ask the applicant to provide that information. I'm not sure our staff has the ability to look at their rates of ownership of their type of development and guess that. We do have a traffic modeling and we could see if there is something in our models that show this type of development. I imagine our models are pretty general and say multi-family.

City Attorney Kit Williams: The Police Department can sometimes look at an intersection to see if there is an unusual amount of accidents.

Council Member Kinion: If we look at the current rate of mobility in the occupied units it would probably be the most relevant. It would be based on our local situation.

Mayor Jordan: Deniece, do you all have the ability to do that?

Deniece Smiley: Are you asking me if we have information as to who owns a vehicle?

Mayor Jordan: Basically, who is driving and walking.

Deniece Smiley: We could have somebody call and ask the question. I don't have the information. We don't ask people if they drive a vehicle.

Council Member Bunch: I am making an assumption that we have more people using wheelchairs and because of their income level might not have access to a car or public transportation in this area. It is important to me if I'm making an assumption that I have something to back it up with.

New Business:

Amend § 94.05 Use of Fireworks: An ordinance to Amend §94.05 **Use of Fireworks** to allow the Botanical Garden of the Ozarks to conduct a small firework display to celebrate its 10th Birthday Party.

City Attorney Kit Williams read the ordinance.

Mayor Jordan gave a brief description of the ordinance.

City Attorney Kit Williams explained why the ordinance would not have to be passed with an emergency clause.

Council Member Marsh moved to suspend the rules and go to the second reading. Council Member Long seconded the motion. Upon roll call the motion passed 6-0. Council Members

Long, Marsh, Kinion, Petty, and Bunch voting yes. Mayor Jordan voting yes. Council Members Gray, Tennant, and La Tour were absent.

City Attorney Kit Williams read the ordinance.

Council Member Marsh moved to suspend the rules and go to the third and final reading. Council Member Petty seconded the motion. Upon roll call the motion passed 6-0. Council Members Long, Marsh, Kinion, Petty, and Bunch voting yes. Mayor Jordan voting yes. Council Members Gray, Tennant, and La Tour were absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan: I hope you will support this. They are a great partner for the city.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-0. Council Members Long, Marsh, Kinion, Petty, and Bunch voting yes. Council Members Gray, Tennant, and La Tour were absent.

Ordinance 5997 as Recorded in the office of the City Clerk

Starr Drive Water Cost Share: An ordinance to waive the requirements of formal competitive bidding and approve a cost share agreement with Robert Martin, Andrew Williams, and Nick Banks for the installation of water main along a 1,520-foot portion of North Starr Drive, with the estimated amount to be paid by the City of Fayetteville not to exceed \$23,950.00, and to approve a project contingency in the amount of \$4,790.00.

City Attorney Kit Williams read the ordinance.

Aaron Watkins, Assistant Operations Manager gave a brief description of the ordinance. He stated the item was presented to the Water, Sewer & Solid Waste Committee and had a three to one recommendation to forward to the City Council.

Council Member Kinion: This meets the goal of connectivity and capacity. We are pleased to accommodate this type of cost share. Our goal is to get a loop there that we don't have.

Council Member Kinion moved to suspend the rules and go to the second reading. Council Member Marsh seconded the motion. Upon roll call the motion passed 6-0. Council Members Long, Marsh, Kinion, Petty, and Bunch voting yes. Mayor Jordan voting yes. Council Members Gray, Tennant, and La Tour were absent.

City Attorney Kit Williams read the ordinance.

Council Member Marsh moved to suspend the rules and go to the third and final reading. Council Member Long seconded the motion. Upon roll call the motion passed 6-0. Council

Members Long, Marsh, Kinion, Petty, and Bunch voting yes. Mayor Jordan voting yes. Council Members Gray, Tennant, and La Tour were absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-0. Council Members Long, Marsh, Kinion, Petty, and Bunch voting yes. Council Members Gray, Tennant, and La Tour were absent.

Ordinance 5998 as Recorded in the office of the City Clerk

Ovivo USA, LLC: An ordinance to waive the requirements of formal competitive bidding and approve the purchase of repair parts for a screening unit at the West Side Water Resource Recovery Facility from Ovivo USA, LLC in the amount of \$35,252.93.

City Attorney Kit Williams read the ordinance.

Aaron Watkins, Assistant Operations Manager gave a brief description of the ordinance. He stated the item was presented to the Water, Sewer & Solid Waste Committee and had a three to one recommendation to forward to the City Council.

Council Member Kinion: If you compare this to what we paid last time, it is \$18 less.

Council Member Kinion moved to suspend the rules and go to the second reading. Council Member Marsh seconded the motion. Upon roll call the motion passed 6-0. Council Members Long, Marsh, Kinion, Petty, and Bunch voting yes. Mayor Jordan voting yes. Council Members Gray, Tennant, and La Tour were absent.

City Attorney Kit Williams read the ordinance.

Council Member Marsh moved to suspend the rules and go to the third and final reading. Council Member Kinion seconded the motion. Upon roll call the motion passed 6-0. Council Members Long, Marsh, Kinion, Petty, and Bunch voting yes. Mayor Jordan voting yes. Council Members Gray, Tennant, and La Tour were absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-0. Council Members Long, Marsh, Kinion, Petty, and Bunch voting yes. Council Members Gray, Tennant, and La Tour were absent.

Ordinance 5999 as Recorded in the office of the City Clerk

RZN 17-5915 (S. 825 S. Razorback Rd./Razorback Rd): An ordinance to rezone that property described in rezoning petition RZN 17-5915 for approximately 2.38 acres located west of 825

South Razorback Road from I-1, Heavy Commercial & Light Industrial to UT, Urban Thoroughfare.

City Attorney Kit Williams read the ordinance.

Andrew Garner, City Planning Director gave a brief description of the ordinance. He stated staff is supportive and the Planning Commission voted 6-0 in favor of the request.

Council Member Long moved to suspend the rules and go to the second reading. Council Member Bunch seconded the motion. Upon roll call the motion passed 6-0. Council Members Long, Marsh, Kinion, Petty, and Bunch voting yes. Mayor Jordan voting yes. Council Members Gray, Tennant, and La Tour were absent.

City Attorney Kit Williams read the ordinance.

Council Member Bunch moved to suspend the rules and go to the third and final reading. Council Member Long seconded the motion. Upon roll call the motion passed 6-0. Council Members Long, Marsh, Kinion, Petty, and Bunch voting yes. Mayor Jordan voting yes. Council Members Gray, Tennant, and La Tour were absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-0. Council Members Long, Marsh, Kinion, Petty, and Bunch voting yes. Council Members Gray, Tennant, and La Tour were absent.

Ordinance 6000 as Recorded in the office of the City Clerk

Network Episodic Television Series: A resolution to express the City Council's intent to participate in funding for a network episodic television series being filmed in Fayetteville in an amount not to exceed \$500,000.00 over a two-year period.

Devin Howland, Director of Economic Vitality gave a brief description of the resolution.

Chung Tan, Chief Economic Development Officer for the Fayetteville Chamber of Commerce stated that Fayetteville was on the short list of one of two finalist in the country for the project. She stated Fayetteville would benefit greatly from the project.

Christopher Crane, Arkansas State Film Commissioner gave a brief narrative of the project. He stated Arkansas puts a lot of money into educating content developers to only export those content developers instead of the content. He stated Greater, the Brandon Burlsworth story was filmed in the State of Arkansas and showed the community in a beautiful light. He stated that Arkansas was one of two states in competition for the project. He thanked the community for their support in helping to get the project to the point that it is at. He stated the project will not stereotype Arkansas and the project needs Northwest Arkansas due to the topography and aesthetic beauty. He stated

they have committed to shooting all eight episodes in Fayetteville. He spoke about the economic advantages of the project. He stated that \$70 million could be spent in the community.

Council Member Long: Thank you for coming to Fayetteville and impressing upon the community and the Council the importance of the economic development opportunity. It is important for people in our community to understand why we are talking about spending such a large amount of money. The attraction to Fayetteville could be very substantial. I am excited about this and hope Fayetteville gets the opportunity.

Council Member Petty: Can you tell us what the direct spend on taxable spending in Fayetteville might be and direct tax revenue?

Christopher Crane: We have a study done by the Economic Research Associates. I can give you some figures on the state level, but I would like Devin to talk about the local.

Devin Howland stated the ERA model was in the agenda packet last session. He stated it will have a \$178 million economic impact on the state as a whole. He believes this is a good investment to make money. He gave a brief description of the potential revenue. He stated there is a direct tax impact of \$709,891 and is a net of \$209,891 over the \$500,000 investment. He stated that the ERA model projects the film will generate an induced and indirect additional \$26,543,703. He stated if a fourth remains in the community, it will be \$6,635,925 in sales. He stated a total taxable figure could be \$44,951,504. He believes a conservative estimate of tax potential could be \$899,029. He believes the City of Fayetteville will make money and it is a good investment.

Council Member Long: Paul, please talk about how we are funding this and the health of our reserve funds.

Paul Becker, Chief Financial Officer: This is not a budgeted item. We would have to look at the General Fund reserves. There is \$18 million, but we would have to subtract \$7 million for a 60-day reserve fund in case we have a disruption in revenue. We have to take a look at what we are going to have to fund for our current expenditures. We have a couple of large items in there. We have about \$5.5 million of available reserves that could be considered for these types of investments. Reserves are for security and flexibility. This would be a one-time expenditure. I suspect by the end of the year we could probably have \$6 million available in reserves. I looked at the numbers that were indicated to you and they seem realistic. There are no guarantees in anything.

Council Member Kinion: I have received some inquiries about this. Looking at the numbers provided, we would replenish with abundance the General Fund over time. It is two years to distribute the money, but we won't see the replenishment into the General Fund for three years probably.

Paul Becker: It depends on when it starts. I believe we were talking about production time of nine months. If it is nine months, then we have almost immediate impact on it. What you are going to have to value is long term and what that could mean with an introduction of a new industry to the area. Those are the things we can't measure that we would be looking at further down the road.

Council Member Kinion: What we are looking at on income, is sales tax income for a lot of it?

Paul Becker stated yes. He spoke about HMR taxes being an impact.

Council Member Kinion stated it is a hefty contribution. He spoke about the Economic Research Associates model.

A discussion followed about reserves.

Paul Becker: This is a resolution of intent. It is not an appropriation at this point.

Council Member Kinion: We are looking at a housing crisis, but this can help handle it because we will have increased income over time.

Molly Rawn, Advertising & Promotion Commission: We are in support of this project. We have worked with the Film Commission, Chamber of Commerce, and Devin Howland. Initially, I was concerned about the way Fayetteville would be portrayed. Christopher Crane is certain our city will be a character and not a caricature. In conversations, I have had with this group, my concerns have been alleviated. I believe this will present us in a positive light. I feel our hotel community is supportive. I believe this will generate a positive economic impact.

Peter Tonnessen, Ward 3 spoke about his concerns of spending taxpayer money and how the city will be portrayed. He requested to know what the movie is about.

Christopher Crane spoke about a state incentive program and that the state is 100% committed. He stated that the Governor and State of Arkansas Economic Development Commission is behind the project. He stated the city would not be on the hook for the commitment if it does not pass an audit, which goes through the Department of Finance and Administration. He stated he could not disclose the name of the project, but once the agreement is signed, the announcement will be made. He stated he had the utmost faith in the production company and what they say they will do.

Mayor Jordan: I know the Governor is very supportive of this.

Christopher Crane: The Governor is extremely supportive.

Dede Peters, Ward 2 stated she is speaking as a citizen and not as an employee of the City of Fayetteville. She spoke about working in the still photography industry for 10 years in San Francisco and the living she made. She spoke about the many jobs that people would be doing in this type of industry. She spoke in favor of the resolution.

Kerrie Elder, Rockhill Studios spoke about her facility and what they have to offer. She spoke in favor of the resolution.

Council Member Long stated it is a great opportunity for the City of Fayetteville.

Council Member Marsh spoke about the Economic Vitality Plan. She stated the numbers are very favorable.

Council Member Petty spoke about the return on the investment within the first year.

Mayor Jordan spoke about economic investment in the city. He stated if the city is going to develop an economic engine, these types of investments are going to have to be made. He stated we need to do this. He stated it is going to highlight the City of Fayetteville on a national level. He thanked everyone involved.

Council Member Long moved to approve the resolution. **Council Member Marsh** seconded the motion. Upon roll call the motion passed 5-0. **Council Members Long, Marsh, Kinion, Petty, and Bunch** voting yes. **Council Members Gray, Tennant, and La Tour** were absent.

Resolution 211-17 as recorded in the office of the City Clerk

Small Cell Communications Facilities: An ordinance to enact §110.03 **Small Cell Facilities and Networks** into Chapter 110: **Telecommunication Franchise, Billposting, and Small Cell Facilities and Networks**.

City Attorney Kit Williams read the ordinance.

Susan Norton, Communications & Marketing Director gave a brief description of the ordinance.

City Attorney Kit Williams stated he had spent a lot of time working on and defending the Civil Rights Protection ordinance. He thanked Assistant City Attorney Blake Pennington for working on this current ordinance.

Assistant City Attorney Blake Pennington gave a Powerpoint presentation on the topic. He stated at Cox's request that Subsections (E)(7) and (F)(3) be amended to add, or does not pay franchise fees to the city pursuant to another agreement. He spoke about height, distance between facilities, camouflage and stealth requirements.

Susan Norton: We are trying to balance aesthetics and demand for the wireless technologies. We want to help you all to determine fair market value for the use of our right of way for these facilities and provide an equitable process for the deployment to work with the providers.

Council Member Long: Anytime we are dealing with aesthetics of this magnitude in the city, we should give our citizens a chance to fully understand it. I am supportive of this. We could leave it in this reading and take more public input.

Council Member Petty: When looking at the fees I was surprised to find out that we are relatively lower than a place like Lincoln. Do we have an assessment of how many customers a single pole might serve?

Neil Bora, Government Relations Manager for Mobilitie: As of right now the technology isn't available to co-locate two small cells on one pole. There is a lot of equipment that needs to be either on the pole or in some ground equipment. We prefer to keep everything on the pole. Everybody has a different deployment model and form factor.

Council Member Petty: For a normal pole that could be deployed today, how many customers would it serve?

Neil Bora: That is a difficult question. Small cell technologies densify coverage in high density and traveled areas. It will be of service to people between 200 feet to 500 meters.

Council Member Petty: Are there a maximum number of connections?

Neil Bora: I wish I could give you an answer for the amount of people it would cover. It depends on how much infrastructure is around, where the nearest macro tower is to that vicinity, and if there are any obstructions in the area.

Council Member Petty: If a data plan cost somebody \$50 a month, that is \$600 revenue a year. We can't tell how many people might connect to these poles or what the value is. If we are assuming there are 100 or more people that are going to get a lot of value out of one of these poles, that is \$60,000 worth of revenue. This is just speculation. A fee of \$250 initially or \$50 annually seems extraordinarily magnanimous on the part of the city. Thank you to the staff for the work you did on this ordinance. I am in favor of leaving this on the first reading.

Cathy Foraker, AT&T stated technology prevents co-location on a small cell. She stated the small cell helps connect customers they already have. She stated if there is a lot of activity and the network gets full, this will increase the ability to serve customers. She stated since they can't co-locate they have problems with the ordinance because co-location is all through the ordinance. She requested that AT&T and Verizon do a joint presentation at the next City Council meeting.

Susan Davis, Verizon stated she is appreciative to city staff for their willingness to accept some of the proposed changes they have requested. She would like to speak at the next City Council meeting to discuss the industries concerns.

Neil Bora spoke about fees, citizens service needs, height restrictions, and co-location.

Dave Reynolds, Smith Communications stated this would help a specific need in areas of the city that can't be fulfilled with macro type towers.

This ordinance was left on the First Reading

Amend Town and Gown Advisory Committee: An ordinance to amend §33.360 **Purpose and Establishment**, §33.361 **Composition**, and §33.364 **Meetings** of Article XXIV **Town and Gown Advisory Committee** of the Fayetteville City Code to expand the scope of the committee's duties; to redefine the membership of the committee to better fit the new purpose and minimize

redundancy of city and university staff on the committee; and to reduce the number of required meetings from four to two each year.

City Attorney Kit Williams read the ordinance.

Susan Norton Communications & Marketing Director stated she would entertain any questions.

Council Member Long: The two positions that would be at large that the City Council would appoint, it might be a good idea to make those two at large positions from different wards of the city.

Susan Norton: I can't imagine why anyone would object to that. I will leave it up to you all.

Council Member Kinion: I have been on this committee and it has opened a lot of communication between the university and the city. It is stagnating because of the overwhelming size. It is important that we get more efficient. I believe it is the right thing to do. I'm not sure we have met the initial reason that we set up this committee, but this is a step in the right direction.

Council Member Long moved to amend that the two citizens at large appointed by the City Council should be from two separate wards. **Council Member Kinion** seconded the motion. Upon roll call the motion passed 5-0. **Council Members Long, Marsh, Kinion, Petty, and Bunch** voting yes. **Council Members Gray, Tennant, and La Tour** were absent.

Council Member Long moved to suspend the rules and go to the second reading. **Council Member Marsh** seconded the motion. Upon roll call the motion passed 6-0. **Council Members Long, Marsh, Kinion, Petty, and Bunch** voting yes. **Mayor Jordan** voting yes. **Council Members Gray, Tennant, and La Tour** were absent.

City Attorney Kit Williams read the ordinance.

Council Member Marsh moved to suspend the rules and go to the third and final reading. **Council Member Bunch** seconded the motion. Upon roll call the motion passed 6-0. **Council Members Long, Marsh, Kinion, Petty, and Bunch** voting yes. **Mayor Jordan** voting yes. **Council Members Gray, Tennant, and La Tour** were absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-0. **Council Members Long, Marsh, Kinion, Petty, and Bunch** voting yes. **Council Members Gray, Tennant, and La Tour** were absent.

Ordinance 6001 as Recorded in the office of the City Clerk

2018-2022 Five-Year Capital Improvements Plan: A resolution to adopt the 2018-2022 Five-Year Capital Improvements Plan.

Paul Becker, Chief Financial Officer gave a brief description of the resolution. He stated that this is a plan and not an appropriation, which is subject to change yearly.

Richie Lamb, Chairman of the Parks & Recreation Advisory Board stated the board made a recommendation for up to \$200,000 to be added to the CIP for the Parks & Recreation Trails Master Plan. He stated there is \$6.5 million in capital improvement plan for parks and all of that is based on information from 2002. He stated they aren't asking to increase the overall plan, but would like Council to consider taking out two existing improvements such as \$90,000 for new lights at the tennis courts at Wilson Park and \$135,000 for basketball court improvements. He stated they are in support of whatever decision Council makes.

Chuck Maxwell, Parks & Recreation Advisory Board stated he would like to be allowed to include citizens to have the opportunity to give their ideas about what is important to them for the community.

Council Member Marsh: The two expenditures you are proposing to pull are \$90,000 for new lights at the tennis courts and \$135,000 for improvements to the basketball courts? That is over the \$200,000 request.

Richie Lamb: Being proposed for 2018 is \$135,000 for the Wilson basketball court replacement. It is in bad shape. There is \$91,000 for replacing existing lights on the tennis courts. Those combined are over what we are asking for. Without going through that process, we don't know if we are spending money on something we may or may not even need.

Council Member Marsh: As a proponent of long range planning and data driven decision making, it would be wise for us to consider this reasonable request. I would like to table this discussion until we have more Council Members here.

Council Member Long: Connie, when we put money into older courts it could be due to safety issues. Sometimes we have matching grants for lighting and we don't want to leave money on the table. Are those the situations with either one?

Connie Edmonston, Parks & Recreation Director: The basketball courts are in disrepair. The asphalt is starting to break up. It is highly used. The tennis courts are old lights that we have had up since at least 1982. They are needing to be updated. All these things are important to different citizens for different reasons.

Council Member Long: We don't have the money in this five-year CIP plan to do it, but I'm excited we'll have a bond issue coming up to resolve some of the other topics. The other section of Ruppel Road will be a major economic driver for this city. It will be the next thing that will help alleviate the traffic patterns on the west side of town.

Council Member Kinion: Looking at this as a long-term plan, I understand the need for this. If we remove this out of next year for the basketball court that is disintegrating, that is putting it into a long-term situation. I would like to evaluate this to see where we can adjust. In five years there

isn't going to be any concrete with the way it is eroding on the north side. It is not safe. The lights are old mercury lights and we need LED lights that can probably pay for themselves. Give us some time to look at this.

Paul Becker: This is subject to adjustment every year at budget time in November. We can talk about this at that point in time. This would give Connie more time to study the issue.

Council Member Petty: I think we should do the Parks Master Plan on that particular issue. Is the Police Take Home Vehicle Program funded by the sales tax revenue or is their impact fees? Is it eligible for shifting over to the Parks Master Plan?

Paul Becker: I'll have to look into that.

Richie Lamb: When you talk about the bond issue, I'd be concerned if we were talking about asking for something like that from our citizens and we were not prepared as a department with something like the Master Plan.

Mayor Jordan: That is why we have the Department Director that makes those kinds of recommendations to the Mayor.

Paul Becker: It is in sales tax capital.

Council Member Petty: I would be willing 100% to divert funds from the Take Home Vehicles Program and doing a Parks Master Plan over the 2018-2019 year. I don't think that development of sports facilities at the Regional Park is our number one priority as a city with respect to parks development. It is a priority, but not my highest priority. It's not right that we are a city that values parks so much and we are working on information last pulled together in 2002.

Council Member Long: I had a similar concern about the Take Home Vehicle Plan and I'd like to see us look at using those funds differently.

Council Member Marsh: I'm not convinced that the Take Home Vehicle Plan is the best investment in officer retention. I want to hear from our Police Department.

Greg Tabor, Chief of Police: When it comes to recruiting and retention, the most common thing we hear by far is the Take Home Vehicle Program. Springdale, Rogers, Bentonville, County, and State has it. Most everybody we compete with, has it. The most common thing we hear is that they have it and we don't.

Mayor Jordan: We have a Council Member passionate about that and they are not here tonight.

Council Member Long: What percentage of our Police force have vehicles they take home?

Greg Tabor, Chief of Police: Not counting canines because they can't be used for anything else, I believe we have eight. The officer has to live in the city limits and they have to be at the Police Department for at least a year before they are eligible.

Council Member Long: How many Patrol Officers do we have that drive police cars?

Greg Tabor, Chief of Police: Somewhere around 65 or 70. Last year we did a survey. If we were to furnish everybody that fit the qualifications, we would need 23 more vehicles to make it 100% for everybody.

Council Member Long: It would cost a lot of money. This is one of the reasons it's a program that may not fit Fayetteville. It only serves a very small segment of our Police force. If we are looking at raising salaries to compete according to the study done, I'd rather pay people more than get a take home vehicle.

A discussion followed about all of the items being discussed at a later date.

Council Member Petty moved to table the resolution to the October 17, 2017 City Council meeting. Council Member Marsh seconded the motion. Upon roll call the motion to table passed 5-0. Council Members Long, Marsh, Kinion, Petty, and Bunch voting yes. Council Members Gray, Tennant, and La Tour were absent.

This resolution was tabled to the October 17, 2017 City Council meeting.

Amend §34.27 Sale of Municipally Owned Real Property: An ordinance to amend §34.27 **Sale of Municipally Owned Real Property** of the Fayetteville Code.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams gave a brief description of the ordinance. He stated there must be competitive bidding for the sale of any property that is \$20,000 or more. He stated it is a state law.

Council Member Petty: If we offered up a piece of city owned land for competitive bidding and we got a response ten times higher than the next lowest and from an oil refinery with no pollution controls and the next lowest bid was for a rainbow powered solar cell facility, would we be able to consider the impacts of the highest bid and reject and take the next lowest bid?

City Attorney Kit Williams: In that scenario, we would have real problems. This state law is different than our normal competitive bidding law when you are buying stuff. It can be waived by the City Council. This has no waiver provision in it. It does make me nervous not going with the high bidder. If we found ourselves in a situation, we have some wiggle room, but not a giant amount.

There was a brief discussion about different types of scenarios when offering land for sale.

Council Member Long moved to suspend the rules and go to the second reading. Council Member Petty seconded the motion. Upon roll call the motion passed 6-0. Council Members

Long, Marsh, Kinion, Petty, and Bunch voting yes. Mayor Jordan voting yes. Council Members Gray, Tennant, and La Tour were absent.

City Attorney Kit Williams read the ordinance.

Council Member Long moved to suspend the rules and go to the third and final reading. Council Member Bunch seconded the motion. Upon roll call the motion passed 6-0. Council Members Long, Marsh, Kinion, Petty, and Bunch voting yes. Mayor Jordan voting yes. Council Members Gray, Tennant, and La Tour were absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan: I believe this is a bad law.

City Attorney Kit Williams: I was not very happy about this law.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-0. Council Members Long, Marsh, Kinion, Petty, and Bunch voting yes. Council Members Gray, Tennant, and La Tour were absent.

Ordinance 6002 as Recorded in the office of the City Clerk

Sale of City of Fayetteville Property about 9.6 Acres: A resolution to authorize Mayor Jordan to sell about 9.6 acres of city property in the Commerce District to the highest or best bidder.

Devin Howland, Director of Economic Vitality gave a brief description of the resolution. He stated there were no bids on this parcel. He requested for it to be tabled indefinitely.

Elizabeth McKee, 2351 South City Lake Road stated she rents the parcel. She spoke about the maintenance and upkeep she performs on the property.

A discussion followed about the process of selling property with the new state law in effect.

Elizabeth McKee: I've been maintaining a lot of land for 40 years that belongs to the city. It would be nice to receive some kind of notice, instead of just seeing a sign posted.

A discussion followed about prominently displayed signs on property the city is considering selling.

Council Member Marsh moved to table the resolution indefinitely. Council Member Long seconded the motion. Upon roll call the motion passed 5-0. Council Members Long, Marsh, Kinion, Petty, and Bunch voting yes. Council Members Gray, Tennant, and La Tour were absent.

This ordinance was Tabled Indefinitely

Announcements:

Susan Norton, Communications & Marketing Director welcomed Development Services Director, Garner Stoll to the City of Fayetteville. She stated the public is invited to provide feedback on the purpose, goals, and scope of the city's Energy Action Plan. She spoke about the 3rd Annual Lake Sequoyah Clean Up. She spoke about the Parks & Recreation 50th Anniversary activities that will be October 14, 2017. She stated there will three more Bulky Waste Cleanups. Details of all events can be found on the City of Fayetteville website.

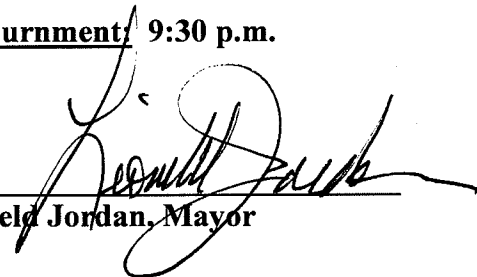
City Council Agenda Session Presentations:

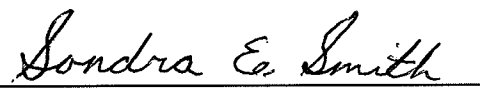
Agenda Session Presentation - Walton Arts Center Update

Agenda Session Presentation - 2018-2022 Five-Year Capital Improvement Plan - Paul Becker

City Council Tour: None

Adjournment: 9:30 p.m.



Lionela Jordan, Mayor

Sondra E. Smith, City Clerk Treasurer

Chair Mark Kinion
Ward 2 Position 1

Sarah Marsh
Ward 1 Position 2



Sarah Bunch
Ward 3 Position 2

Alan T. Long
Ward 4 Position 2

Nominating Committee Report September 26, 2017

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

The Nominating Committee recommends the following candidate for appointment:

HOUSING AUTHORITY BOARD

Melissa Terry – One unexpired term ending 12/28/19