

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 17, 2017**

A meeting of the Fayetteville City Council was held on October 17, 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 Members Adella Gray, Sarah Marsh, Mark Kinion, Matthew Petty, Justin Tennant, Sarah Bunch, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Council Member Sarah Bunch arrived at 5:36 p.m.

Absent: Council Member John La Tour.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

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

Agenda Additions:

Agenda Additions: The following item was tabled indefinitely at the October 3, 2017 City Council meeting. Aviation is requesting that this item be removed from the table and the resolution amended. New information regarding this project will be emailed prior to the October 17, 2017 City Council meeting.

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. *At the October 3, 2017 City Council Meeting this resolution was removed from consent and tabled indefinitely.*

Council Member Marsh moved to remove the item from the table. **Council Member Tennant** seconded the motion. Upon roll call the motion passed 6-0. **Council Members Gray, Marsh, Kinion, Petty, Tennant, and Long** voting yes. **Council Member Bunch** was absent during the vote. **Council Member La Tour** was absent.

Summer Fallen, Airport Services Manager gave a brief description of the resolution.

City Attorney Kit Williams: The only real change on the resolution is in the amount. It went from \$148,720 to \$135,900.

Council Member Long moved to amend the amount from \$148,720 to \$135,900. **Council Member Tennant** seconded the motion. Upon roll call the motion passed 6-0. **Council Members Gray, Marsh, Kinion, Petty, Tennant, and Long** voting yes. **Council Member Bunch** was absent during the vote. **Council Member La Tour** was absent.

Don Marr, Chief of Staff: The reason we are bringing this forward is that the State Aeronautics Division is voting on this today. It is contingent on your passing of it tonight in order for the funding to take place. This is revenue specific to this month and could go away the next month.

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

Resolution 212-17 as recorded in the office of the City Clerk

Consent:

Approval of the October 3, 2017 City Council Meeting Minutes.

Approved

State of Arkansas Cooperative Procurement Computer Software Purchase: A resolution to approve the purchase of software on an as-needed basis from various vendors pursuant to a National Association of State Procurement Officials ValuePoint cooperative purchasing agreement through April 7, 2018, and any future renewal periods.

Resolution 213-17 as recorded in the office of the City Clerk

State Procurement Officials ValuePoint Cooperative Purchasing Agreement: A resolution to approve the purchase of computers on an as-needed basis from various vendors pursuant to a National Association of State Procurement Officials ValuePoint Cooperative purchasing agreement through March 31, 2020, and any future renewal periods.

Resolution 214-17 as recorded in the office of the City Clerk

NEOGOV, Inc. Amendment: A resolution to approve an amendment to the 2010 and 2013 service agreements with NEOGOV, Inc. in the amount of \$23,530.50 for the renewal of applicant tracking and performance evaluation software licenses through December 15, 2018.

Resolution 215-17 as recorded in the office of the City Clerk

2017-2018 Selective Traffic Enforcement Program Grant: A resolution to authorize acceptance of a 2017-2018 Selective Traffic Enforcement Program grant in the amount of \$122,600.00, and to approve a budget adjustment.

Resolution 216-17 as recorded in the office of the City Clerk

Fayetteville Police Department Donations: A resolution to approve a budget adjustment in the total amount of \$17,300.00 representing donations received by the Fayetteville Police Department and a contribution from the Washington County Prosecuting Attorney to the Fourth Judicial District Drug Task Force for support of rural officer expenses.

Resolution 217-17 as recorded in the office of the City Clerk

Xybix Systems, Inc.: A resolution to approve the purchase of dispatch furniture for the Central Dispatch Center from Xybix Systems, Inc. in the amount of \$133,889.24 pursuant to a Houston-Galveston Area Council cooperative purchasing contract.

Resolution 218-17 as recorded in the office of the City Clerk

Fire Department Training Grounds Budget Adjustment: A resolution to approve a budget adjustment in the amount of \$92,454.00 to allow for the completion of restroom facilities, storage space and an open classroom space at the Fire Department Training Grounds.

Resolution 219-17 as recorded in the office of the City Clerk

Energy Assessment Task Order 08: A resolution to approve Task Order No. 8 with Garver, LLC in the amount of \$27,600.00 to complete an energy assessment for the terminal building, terminal parking lot, and airfield electrical vault at Drake Field, and to approve a budget adjustment.

Resolution 220-17 as recorded in the office of the City Clerk

Water & Sewer Outbuildings: A resolution to approve a budget adjustment in the amount of \$5,968.00 to allow for construction materials testing and special inspections for the Water & Sewer Outbuildings Construction.

Resolution 221-17 as recorded in the office of the City Clerk

Ozarks Electric Utility Easement: A resolution to approve the conveyance of an electrical distribution line easement to Ozarks Electric Cooperative Corporation across a portion of Bryce Davis Park to supply electricity for lights at Iams Dog Park.

Resolution 222-17 as recorded in the office of the City Clerk

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

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 October 3, 2017 City Council meeting this resolution was tabled to the October 17, 2017 City Council meeting. At the September 19, 2017 City Council meeting this resolution was tabled to the October 3, 2017 City Council meeting.*

Mayor Jordan gave a brief description of the rules for the discussion topic.

City Attorney Kit Williams: I've supplied to the City Council on many occasions, the only factors that can be considered when approving or rejecting a Large Scale Development. The vast majority of these are basically, check the box. The Planning Department has looked carefully at this and they have fulfilled all of those requirements. There is one that is subjective, 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. There has to be real facts and not purely subjective. The City Council, with an appeal, sits just like if you are on the Planning Commission. You don't have any additional power than the Planning Commission has to go outside the rules. The discretion the City Council has, is in zoning. When it comes to Large Scale Developments or Preliminary Plats, you have very little or no discretion at all. We need to concentrate on the Unified Development Code only and not whether this is a good project or not.

Mayor Jordan reminded Council Members and the public to keep the topic on the Unified Development Code guidelines. He stated Council Member Marsh filed an appeal due to a safety concern.

Council Member Marsh: Predominantly, it is a safety concern. I believe there is some question about whether they have violated a federal statute in authorizing the sale of the land.

Mayor Jordan: We can't discuss that.

Council Member Marsh: Even though it would fall under Subsection 2 that the proposed development would violate a city ordinance, state statute or federal statute.

Mayor Jordan: I believe Kit's memo on that issue is clear.

Council Member Marsh: An August 1st memo states the Public Housing Authority is prohibited from releasing the land on its own and all sales would have to be approved by HUD. To date, HUD has not approved the sale of the Willow Heights Project.

City Attorney Kit Williams: That is correct that it's one of the six factors about whether it potentially violated a federal statute. I asked the Planning Commission to table it so I could get word from the local office. It wasn't as clear as I would have liked from HUD. In reading the two-page letter from HUD, they don't believe it is a violation of the HUD regulations. I am going to defer to them as the experts on it. They know a lot more about the HUD regulations than I do. I don't feel that it is a very viable condition, but it can be discussed.

Mayor Jordan: The Housing Authority can defend that position?

City Attorney Kit Williams: Yes.

Council Member Marsh stated she was raising the appeal on Subsection 4, which is about creating or compounding a dangerous traffic condition. She stated the proposed development more than doubles the number of families living on South Wood, which does not meet the city's street standards. She stated that South Washington Avenue doesn't meet street standards and is the only other exit from the development. She believes increasing the number of residents' dependent on walking compounds an already dangerous traffic situation. She stated information from Planning Commissioner Quinlan and Planning Commissioner Niederman shows examples of substandard infrastructure in the Walker Park neighborhood. She stated that the recent traffic count shows the population that lives in the development is much more pedestrian dependent than the typical homeowner. She spoke about Subsection 6, which states the developer refuses to comply with ordinance requirements or conditions of approval for on-site and off-site improvements. She spoke about an email chain between Lawyer Jim Crouch and several members of the board about if the project was used exclusively for public purposes and not for profit, and she stated he clarifies that this is a ground lease for a for profit entity, mostly owned by outside investors, that they would not be able to apply for the infrastructure funding from the City of Fayetteville. She stated there is a documented strategy in the email to deceive the City Council and skirt the FOIA law. She stated there was a March 22, 2017 email from Jim Crouch to Eric Gold strategizing how they would send one member to approach the Mayor to skirt the usual channels to achieve approval.

Mayor Jordan Stated no one approached him.

Council Member Marsh: Another justification is in Subsection 2, which is the proposed development would violate a city ordinance, state statute or federal statute. The Housing Authority Board has entered into a contract for sale without approval from HUD and without meeting many of the conditions for approval. There was a failure to receive an independent appraisal. The appraisal was commissioned by the potential buyer. There was a failure to adequately notify the residents in a way that sought impartial opinions. There is documentation of the Housing Authority Board transporting supportive residents to City Council meetings. They are not meeting the notification requirements and public process in transparency of a public project. It's our responsibility to send this back to the drawing board and engage stake holders in developing a comprehensive long-range housing plan that meets HUD guidelines.

City Attorney Kit Williams: Did you say the city can't go into a cost share agreement with a for profit entity?

Council Member Marsh: It says the statute exempts housing authorities.

City Attorney Kit Williams: I believe that is the impact fees.

Council Member Marsh: Yes, I'm sorry, impact fees.

City Attorney Kit Williams: That is correct. With cost shares, we do go into with private developers if it makes sense for the city to do something like that. I originally thought this was a public low-income housing project and then discovered 99.99% of the building would be owned by private investors for 15 years and there were going to be more than a dozen market rate units built. So, not low income. That is when I informed the Housing Authority they would not be exempt from any of the impact fees. They did not meet the requirements of the code.

Council Member Marsh: To clarify, the email chain to deceive is about the attempt to show this as being a public housing and a non-profit project. Their lawyer has advised them that is not the case and yet they are strategizing to convey that to achieve these cost shares, which they were initially awarded.

Deniece Smiley, Housing Authority Executive Director: We received the check from HUD. Thereafter, every month we have a phone call with our RAD Transaction Manager. HUD always knew our intent was to sell Willow Heights, whether or not they approved it. HUD has been informed throughout this entire process. As far as it not being a non-profit, if we enter into this RAD conversion, 99% ownership will be our tax credits owners. The rent is coming to the public housing. It's not going to a developer. They want the credit for taxes. We qualify for non-profit. I have an email that says, FHA Director, Deniece Smiley needs to go. It is from Ms. Sarah Marsh to Ms. Melissa Terry. This has been a witch hunt. The Housing Authority has been transparent with our residents.

A discussion followed about staying on topic.

Deniece Smiley: Jim Crouch and I did nothing to ever deceive the city, as far as impact fees. We had meetings with the City Attorney, Planning Department, and whoever we needed to explain

what was going on with the project. We are trying to create opportunities for obtainable housing. I feel like the board and I have been attacked. I am trying to do what's best for the residents. The conditions that exists at Wood and Washington have existed for a long time. The city could have taken measures already to correct the conditions of the street. We were not awarded the tax credit and we will have to apply again next year. We had the land appraised and it came in less than what the seller offered to purchase the property for. The buyer is going to allow our tenants to remain until we can get a response on our application. The City Planner has said that we have met every code.

Mayor Jordan gave a brief description of the rules for public comments.

Nellie Ashley, Willow Heights resident stated she has received letters from the Housing Authority about the project. She stated traffic is everywhere because Fayetteville is growing.

Mayor Jordan: Are you saying you knew about this?

Nellie Ashley: Yes. There has been enough transparency for me to explain to people who don't live there about what is going on.

Council Member Marsh: What opportunity did you have to give feedback early on in the process before they decided to sell the development? Did they ask you what your priorities were for housing?

Nellie Ashley: They had planning meetings, but I couldn't attend because I work.

Council Member Marsh: So, you really didn't have a good opportunity to give your feedback early on in the process.

Nellie Ashley: Because of work and schedules, you can't always make it to everything.

Mayor Jordan: You knew about the meetings?

Nellie Ashley: Yes.

Vlad Tatter, 215 Willow Avenue handed out paperwork.

Rosalyn Shoffner Turner, Willow Heights resident spoke in favor of the Morgan Manor project. She spoke about the repairs needing to be made at Willow Heights. She stated having a new place with central air would be nice.

Mayor Jordan: You are in favor of the project?

Rosalyn Shoffner Turner: Yes. I would miss the scenery, but I would appreciate a new place.

Council Member Marsh: The existing property is in poor repair and you need central air. I hear you speak fondly of the neighborhood. Studies show they could renovate the facility for one fourth

of the cost of building the new units at Morgan Manor. If we were able to renovate the existing place where you already live and bring it up to standards, would you want to stay there?

Rosalyn Shoffner Turner: Where would I live while you try to do that?

Council Member Marsh: We would relocate you. HUD requires that you be provided with relocation assistance. They would help you find a place to live during that temporary time. You would be protected and have a place to live while renovations occurred.

Rosalyn Shoffner Turner: I only want to move once.

Karen Coker, 1041 West Montgomery Street stated her daughter and three grandchildren live at Willow Heights. She spoke about staircase safety concerns for her grandchildren at Willow Heights. She spoke in favor of Morgan Manor apartments.

Council Member Marsh: When your grandchild fell down the stairs, was that a result of poor maintenance or part of the staircase?

Karen Coker: The staircase. They are outdated.

A discussion followed about staircase safety.

Bill Reagan, South Fayetteville resident spoke about the cost to construct Morgan Manor. He voiced his concerns about pedestrian traffic in the area. He spoke about the need of sidewalks. He stated he has to drive in the other lane to avoid hitting kids that are waiting for the school bus. He believes infrastructure is the first priority that should be addressed.

Mayor Jordan requested City Planning Director, Andrew Garner to give a report.

Andrew Garner, City Planning Director: City Development Services has reviewed all of the codes, including pedestrian safety and traffic safety. We found that the project meets all the development codes. We feel the project would not create or exasperate a dangerous traffic situation. When the Council adopted the Walker Park Neighborhood Plan in February 2008 we talked about how Morgan Manor would be expanded in the future. It is consistent with what is proposed with this project. We have anticipated development in this area. The additional connectivity through the project and widening Wood Avenue would improve overall traffic and pedestrian safety for the neighborhood if the project gets built.

Council Member Marsh: Planning Commissioner Niederman has prepared a presentation for our Capital Improvements Plan discussion, specifically to the state of the infrastructure in the Walker Park neighborhood. It would be relevant to hear the presentation at this time. It talks about the sidewalks and transportation goals set in that plan. It notes how many of those we actually accomplished or invested in the interim period and the answer is very few. This was the long-range plan, but we as a city haven't made the appropriate investments in the Walker Park area to support the increased traffic density that this development would bring.

City Attorney Kit Williams gave a brief discussion about the rules of presenting an electronic visual aid.

Council Member Gray: How long is the presentation?

City Attorney Kit Williams: It may not exceed five minutes.

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

Zara Niederman, 849 South Washington Avenue gave a Powerpoint presentation on the Walker Park Neighborhood Master Plan that was adopted in 2008 and what has occurred since that time. He stated county records show that value has increased from \$55 million to \$71 million since 2007 to 2017. He stated that residents and private sector have invested heavily in the neighborhood, but public investment has lagged in regard to infrastructure. He spoke about adding or repairing sidewalks along existing streets within the neighborhood. He requested for the City Council to take a hard look at the state of the infrastructure. He spoke about streets not being up to standard and the city needing to take that into consideration for future development.

Melissa Terry, Wood Avenue spoke about ingress and egress traffic flow and pedestrian safety concerns. She stated a door to door assessment was done at Willow Heights to determine the ratio of car ownership. She stated that about half of the residents do not have vehicles. She stated the Willow Bend project had an extended public process with a lot of input. She spoke about revitalization at Willow Heights unit by unit without displacing tenants.

Mayor Jordan: Are you saying the apartments could be done, one at a time?

Melissa Terry: That is a model consistent across some of our more progressive peer communities.

Mike Emery, Chair of Housing Authority: I want to reiterate that city staff has said we would be improving the situation. As far as traffic concerns, our residents per capita have fewer cars than the average neighborhood. This city has always talked about being walkable. It was the city who failed to do the adequate infrastructure in the area. Why should our residents be punished to living where they are now because the city failed to uphold that part of the bargain? I got a traffic accident report for the last year from the Police Department for the Morgan Manor area. There's been about a dozen accidents, which is on par with any neighborhood in this city. There are sidewalks present, but you can't force people to walk on a sidewalk.

Rachel Lester, 12th and South Washington spoke about the many vehicles parked on her road with pedestrians and development work being done. She stated that pedestrian traffic is heavy in the area. She stated if there's issues in terms of safety with the residents that already live there and an additional 58 units with Morgan Manor and 85 with Willow Bend, she believes there are serious issues for pedestrians.

Chris White, Vice Chair of Housing Authority spoke about always keeping the best interest of their tenants in mind. He spoke about the tenants wanting simple things such as air conditioning and walking to the store when it is snowing. He spoke about having less money every year to do repairs for older properties.

Carma Unruh, Nantucket Resident spoke about sidewalk usage. She stated there is nothing wrong with Morgan Manor.

Quin Childress, U of A student spoke about living at Willow Heights and Morgan Manor as a young person. He stated we wouldn't be running into these issues if someone was doing repairs 15 years ago. He believes if people stay in Willow Heights they will have opportunities, but if they go to Morgan Manor, they will be isolated.

Council Member Kinion: As a pedestrian you saw traffic patterns and accessibility. You have a unique point of view as a youngster in these areas. Would you say that Willow Heights was safer from a traffic and pedestrian point view or Morgan Manor?

Quin Childress: Willow Heights is definitely safer.

A discussion followed about Morgan Manor traffic safety.

Kyra McCown, Housing Authority staff member spoke about the repairs needing to be made for many years, but money hasn't been available.

Council Member Marsh: What percentage of the new units will be ADA accessible at Morgan Manor?

Kyra McCown: 5%, but at Willow Heights, we have zero.

Council Member Marsh: We have other ADA accessible units in our affordable housing inventory at Lewis Plaza and Hillcrest Towers.

Kyra McCown: Lewis Plaza and Hillcrest Towers has zero.

Erica Wilhite, South Wood Avenue requested for Willow Heights to be revitalized. She spoke about walkability, infrastructure, bus stops, and traffic concerns.

Mayor Jordan: You have concerns about the bus stops. Where are the bus stops?

Erica Wilhite: There is a school bus stop on the corner of Wood Avenue and 7th. They literally hang out with their legs in the street. There is a mirror because of a visibility issue. I never feel safe with my daughter down that street.

Mayor Jordan: There is a bus stop on Wood?

Erica Wilhite: There is a school bus stop.

Council Member Kinion: Can you tell me as a resident who traverses in this area, by adding additional units and additional accessibility, still exasperates a traffic and safety issue?

Erica Wilhite: It still exasperates.

Council Member Kinion: How do you establish your opinion?

Erica Wilhite: I walk a lot. I walk to work on South College. I cut through Morgan Manor sometimes. It is already dangerous and feels unsafe.

Mayor Jordan: You think it is going to be more dangerous when Willow Heights goes in?

Erica Wilhite: I believe so.

Todd Walters, Citizen stated the new development would widen Wood Avenue and add additional sidewalks. He spoke about resources near Willow Heights versus Morgan Manor. He stated the school would add a bus stop to Wood and McClintock once Wood was developed and widened.

Mayor Jordan: You heard that from the school?

Todd Walters: Yes. I work at the U of A and we have talked to the Transportation Committee about possibly getting a Razorback Transit bus stop in that area as well.

Mayor Jordan: Who did you talk to at the schools?

Todd Walters: I don't remember the name, but I can get you the information. They said they would put in a bus stop at Wood and McClintock.

Council Member Marsh stated that the Yvonne Richardson Center is a block away from Willow Heights and half a mile from Morgan Manor.

Mayor Jordan: If Willow Heights was in disrepair and I agree the housing is somewhat substandard, and it has been needing to be fixed for 15 years. Is that correct?

Deniece Smiley: No, not 15 years. We have had five consultants look at it and they have each come up with a plan to sell Willow Heights as the best thing to do.

Mayor Jordan: How long has it been in disrepair?

Deniece Smiley: I've been at the Housing Authority since 2012 and it has been substandard since then. Prior to that, consultants have tried to do the low-income tax credit. This is the second time we have applied for it. That was ongoing when I came in at 2012. Mr. Kinion was on the board and they discussed that it needed to be taken care of because it was in serious disrepair.

Council Member Kinion: When I was on the Housing Authority we were applying for a lot of funds for repairs. This is evident with the improvements at Hillcrest Towers, which was the most critical property at that time. Using the same programs, we wanted to repair the other facilities. There were improvements at Morgan Manor, including some air conditioning. We were in a different administration and the funds aren't the same as they were back then. I'm not going to count that in my decision. I'm talking about the Unified Development Code and the safety. Our Housing Authority has a struggle. It has to meet standards. HUD does an annual review of the properties and it meets the basic standards. The way it was managed when I was on the board we were in the top of the nation, which allowed us to get these federal funds. I don't know what they are now. This has nothing to do with the safety of adding a Large Scale Development on the South side of town. As a community, we must get better housing for these individuals that are living in substandard housing. When I was on Housing Authority we found the funds. The improvements were historic at the time. Tonight, we are talking about if we are exasperating a traffic safety issue in this part of town and I believe we are.

Mayor Jordan: Do you think it is safer at Morgan Manor than it is at Willow Heights?

Deniece Smiley: My view is that it is safer for them to be at Morgan Manor. Mr. Petty asked us to go to each unit at Willow Heights and more than half of our residents have vehicles. This could change at any time. Our residents do not have to go to Morgan Manor if they don't want.

Mayor Jordan: Andrew, what improvements are going in over there?

Andrew Garner: Getting back to the UDC, the traffic situation at Willow Heights has no bearing on the Council's decision here. You are looking at this particular neighborhood, this Large Scale Development. Would this project create or compound dangerous traffic situations? At the last Council meeting we talked about Wood Avenue being widened to 28 feet.

Mayor Jordan: All the way? How far?

Andrew Garner: Along the property frontage. It would also be adding a new sidewalk. The current plan is to fill in the ditch with storm drainage. One of the primary improvements is connectivity. Having another outlet to the east and west will help existing neighbors in Nantucket as well as neighbors in Morgan Manor to get through this neighborhood more safely and efficiently. Comparing this neighborhood to other neighborhoods, it has a well-connected grid of streets. We have other projects where you don't have the bones of a street system. From a safety standpoint, this project does not create any dangerous traffic situation.

Council Member Kinion: All we are hearing from Planning is about cars. Can't we consider pedestrians?

City Attorney Kit Williams: I think you can look at pedestrian safety if a vehicle hit a pedestrian.

Council Member Kinion: That is what I'm thinking about as I look at balancing this. From a Planning point of view, it's about cars. From a community point of view, it's pedestrians and cars

interaction as a safety issue. I'm trying to stay within the UDC and only look at the growth on one specific project.

City Attorney Kit Williams: If there were accidents involving a pedestrian and a vehicle, it would have shown up on the Police reports. We've had a report that the number of accidents around Morgan Manor were no more than other developments. The City Council needs to not look at subjective statements or photographs. Objective facts are more important for your final decision when you might be thinking about turning down a Large Scale Development.

Mayor Jordan: With the connectivity and cul-de-sac going onto Wood, does that make it better for the Fire Department?

David Dayringer, Fire Chief: It does. Wider streets, more sidewalks, and more connectivity in and out makes it safer than it is now.

Mayor Jordan: How many accidents have there been?

Mike Reynolds, Deputy Chief of Police: We had approximately a dozen. Two weeks ago, Mayor Jordan asked me to do a query. When I took the north, south, east, and west boundaries for the last 22 months, we had 13 accidents that occurred in the boundary. Of the 13 accidents, I looked specifically at 12th Street and the intersection of South Washington and there were three accidents. Of those three accidents, two of the accidents hit fixed objects and were minor. The third collision that occurred on September 16, 2017 involved a two-vehicle collision with minor damage.

Council Member Kinion: Are there any pedestrians involved in these accidents?

Mike Reynolds: During that 22-month period I have no reported pedestrian accidents in that area.

Mayor Jordan: I had him run an accident report in my neighborhood. We are sitting at 11.

Mike Reynolds: That's correct. We looked at the Mayor's neighborhood over on Arrowhead. When I ran the same 22-month period in comparison, we had 11 accidents. I looked at the Meadowlands south of Wedington, there were 12 accidents in a 22-month period.

Council Member Petty: I'm disappointed because a lot of the discussion has been centered around trying to litigate whether or not the plan proposed is the best plan. Maybe it is or maybe it isn't. I'm skeptical that it is, but it has nothing to do with the decision before us. I'm frustrated it continues to dominate the conversation. I share some of the frustrations and criticism in particularly how open a couple of things have been about this process. I don't share the criticism there wasn't good faith and that there has been dishonesty. I read through the FOIA packets that have been circulating. I don't agree with the claim there has been some kind of conspiracy to avoid FOIA. I see a set of conversations describing how they are going to approach the City Attorney about a particular inquiry and advice not to break the law by sending too many commission members. We aren't here to litigate if a federal or state law has been broken. It's not in our jurisdiction to decide if there has been. If this Large Scale Development stands and HUD determines the process hasn't been followed, then the Large Scale Development goes away. There

hasn't been a determination and it's premature to consider it. The Large Scale Development as proposed, probably needs some improvements made to the plan, but I don't doubt the minimum standards have been met. That tells me we need to revisit some things in the Unified Development Code. Two weeks ago, when we discussed this, my questions were about trying to establish some kind of differentiator or determine if there was one that would set this proposal apart from similar projects approved in the city, in terms of creating a dangerous condition for pedestrians or vehicles. I'm cautious to do anything inconsistent with other decisions. Willow Bend has more units and is up the street. There have been around 20 single-family homes built in this neighborhood so far and we expect to see many more single-family homes built down there. That total is larger than the unit count here and we allow these to be built by right. The safety concerns are legitimate, but are trying to be used as a fulcrum to accomplish something else. I don't see there are grounds here to deny the project. The process has some weaknesses that should be addressed. The project could be improved, in terms of architecture and site layout.

Council Member Marsh stated voting to support the appeal is not voting against affordable housing. She continued to give a brief summary of her thoughts.

City Attorney Kit Williams gave a brief description of what a yes or no vote means.

Mayor Jordan: I have seen all the emails. I did not meet with any of the Housing Authority to cut any kind of deal. I probably met more with Melissa Terry as a citizen than I did with any of the Housing Authority. I'm not particularly crazy about this development. It has gone through my Planning staff and they said it meets the requirements and thresholds of the UDC and Large Scale Development. Correct, Andrew?

Andrew Garner: Yes, sir.

Mayor Jordan: They are going to widen the road and make improvements. I was surprised to hear there was a bus stop on 7th Street. I didn't know they were considering putting a bus stop on McClintock, which is very good. It brings connectivity. It went through the City Attorney and determined it met all the requirements. It went to the Planning Commission and they voted it in, 5-2. As an individual, the project needs some improvements, but as a Mayor looking at the facts, I support the Housing Authority. The City Council has made some appointments that will probably make some change. We need to go back and look at this appeal process and you all can determine if you want to add other things. I looked at the accident report with no pedestrians involved. I don't like the project particularly, but we are here to discuss the UDC. I would support the project.

City Attorney Kit Williams gave a brief description of what a yes or no vote means.

Council Member Marsh moved to approve the resolution. **Council Member Kinion** seconded the motion. Upon roll call the resolution failed 2-5. **Council Members Marsh and Kinion** voting yes. **Council Members Gray, Petty, Tennant, Bunch, and Long** voting no. **Council Member La Tour** was absent.

This Resolution failed.

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**. *At the October 3, 2017 City Council meeting this ordinance was left on the first reading.*

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 Gray, Marsh, Kinion, Petty, Bunch, and Long** voting yes. **Council Member Tennant** recused. **Council Member La Tour** was absent.

City Attorney Kit Williams read the ordinance.

Susan Norton, Communications & Marketing Director gave a brief description of the ordinance. She requested for the ordinance to be held on the second reading to allow for Assistant City Attorney Blake Pennington to return from an informative conference on small cell networks.

Council Member Kinion: This is a pretty technical issue. It's an emerging technology and we have representatives tonight that would like to give a brief presentation from the industry.

Council Member Kinion moved to approve a joint presentation from the providers. **Council Member Long** seconded the motion. Upon roll call the motion passed 6-0. **Council Members Gray, Marsh, Kinion, Petty, Bunch, and Long** voting yes. **Council Member Tennant** recused. **Council Member La Tour** was absent.

Andy Slater, Verizon Real Estate Manager stated he is partnering with Cathy Foraker with AT&T. He gave a brief Powerpoint presentation on small cell facilities. He stated unlike other major infrastructure projects that use taxpayer monies, wireless providers will invest tens of millions of dollars in the Fayetteville area to build the newest, fastest networks. He stated he felt the ordinance was moving in a positive direction, but needs more fine tuning. He spoke about flexibility in spacing requirements and height standards allowing the city to address topography issues.

Council Member Kinion: Is there anything else in your presentation that we need to know?

Andy Slater: No, that was it.

This ordinance was left on the Second Reading

2018-2022 Five-Year Capital Improvements Plan: A resolution to adopt the 2018-2022 Five-Year Capital Improvements Plan. *At the October 3, 2017 City Council meeting this resolution was tabled to the October 17, 2017 City Council meeting.*

Paul Becker, Chief Financial Officer gave a brief description of the resolution. He stated this isn't an appropriation or budget and subject to change each year. He stated the last time the item was presented, there was a member from the Parks & Recreation Board requesting the elimination of \$200,000 for a Parks Master Plan to be reinstituted. He stated we recommended that not be funded

and based on the input at the last Council meeting, the majority of the Council Members favored the plan. He stated the Mayor directed him to get with Connie Edmonston and research the Parks section of the CIP to see if the Master Plan could be funded. He stated he recommends an amendment to the CIP to include the Master Plan. He stated \$50,000 would be included in the 2018 budget for a public survey and that money would come from a Forestry Study this year, which he feels could be delayed. He stated it was in the 2017 plan so it would give an extra \$50,000 in reserves that could be used in the 2018 budget to fund that segment of the Master Plan. The rest of the Master Plan would be funded in 2019. It would be taken from a project that had been identified for campgrounds at Lake Sequoyah and would move \$150,000 from that project into the unfunded.

Council Member Marsh: Are we pulling \$50,000 out of the General reserves?

Paul Becker: No. It would be \$50,000 we have identified in capital projects in 2017 in the Parks budget, that would not be done this year. We would take the Parks budget and increase the Parks budget reserves by \$50,000 and would be programmed in 2018.

Council Member Marsh: The additional \$150,000 is coming from the campground project?

Paul Becker: That is correct.

Council Member Petty: My comments on the draft was to delay the Parks Master Plan so we could use that money to fund software upgrades for our development and building permits systems. I was very grateful to Administration to finding that money, even more money than we had planned for those systems upgrades. When I reviewed the draft, I overlooked that we have \$500,000 for the Take Home Vehicle program. It makes me a little uneasy going out for the bond issue without a Parks Master Plan in place. I'm a bit comforted we would be doing a survey next year to establish priorities ahead of that. I would prefer to have more of the plan completed before we went out for a vote to the people for a bond issue. I support the proposed amendment. On the Vehicle Take Home program, I'm not convinced it's worthwhile and has an impact on crime, more than spending that money in other ways. I'm skeptical of it as a recruitment tool. I don't know I'll support Take Home Vehicle purchases in the future as a member of the Equipment Committee and staff should know that before they put a lot of time into it. I appreciate that we are doing a little bit with the Master Plan.

Louise Mann, 69 Gray Avenue: This is a five-year plan. I don't see anything in here about a Materials Recovery Facility. Why is there nothing in here?

Paul Becker: When the recycling plan was presented, that particular part wasn't selected for implementation and it's not in the planning document.

Mayor Jordan reminded citizens that the Master Parks Plan amendment needed to be voted on before further discussion.

Council Member Petty moved to amend to put the Parks Master Plan into the CIP. Council Member Marsh seconded the motion. Upon roll call the motion passed 7-0. Council

Members Gray, Marsh, Kinion, Petty, Tennant, Bunch, and Long voting yes. Council Member La Tour was absent.

Louise Mann: The single stream MRF is not in here. For the next five years, we aren't going to talk about building a MRF?

Paul Becker: That wasn't approved as part of the implementation plan as far as the recycling plan was concerned. It doesn't mean something can't be introduced later. What was included in the plan was roughly \$1.5 million to proceed toward expanding recycling that the Council had approved in regard to composting of food materials.

Mayor Jordan: What I understand is that the food composting and construction debris recycling is the first steps we are going to do. If you did single stream, it would take more of a regional approach.

Louise Mann: I heard that Fayetteville is talking to Fort Smith about a regional single stream MRF.

Mayor Jordan: I know nothing of that.

Don Marr, Chief of Staff: That is not accurate. When the Council voted on the Master Waste & Recycling Plan and chose to stay with our current system, the MRF processing center was something that would need regional volume to support it. At the time, there wasn't an interest in Bentonville, Rogers or Springdale. Our volume doesn't justify a center for that investment and we have had no discussion with Fort Smith or any other city about partnering for a MRF.

Louise Mann: I see in the CIP there will be two more curb sort trucks for apartment recycling in the future. I encourage you to think beyond the trucks we have now.

Council Member Kinion: The Solid Waste Committee did not include that in the CIP or request it for single stream. The misinformation that is in the community needs to be corrected. The City Council as a whole did not make that a priority and it was evident when we accepted the long-term plan for Solid Waste management.

Terry Gulley, Transportation Services Director: When you all passed the Master Plan back in the Spring, we looked at the 10-year plan you directed us to move towards. We waited several years to replace our trucks because we were waiting to give you the option of getting the most information possible. We've got an aged fleet that causes us a lot of problems. We almost have the need for another route, but we don't have a vehicle to put on it or we are using our spares to do it. These trucks are to help with the food waste and the growth of the new homes we are servicing. We have had no conversation with Fort Smith. We got the best truck we can find on the market and fits with the others we have.

Council Member Long: This is a five-year CIP plan. These purchases are not being made tomorrow. If something does come along better in the meantime, could we look at those things?

Terry Gulley: Yes. These are two trucks that would be purchased after January.

Don Marr: On the next agenda item, there are five of the twelve Fleet items that have been scheduled to be replaced over 24 months that are waiting until the completion of the study. We don't have a luxury of waiting on those and that's why we have been evaluating equipment for those purchases.

A discussion followed about the quantity of trucks to be purchased.

Council Member Long: After we buy these and we decide to go a different route with separated trucks and more automation, what are the value of these used trucks?

Terry Gulley: We would get something back, but I can't tell you exactly what we would get. The older they are, the less we get. We've reached the tipping point. Fleet can hardly keep them on the road. We've got twelve trucks trying to run ten routes. We are down to one spare and five of them are past their life expectancy. We need to put \$12,000 to \$15,000 in each one because the compactors are all worn out.

Don Marr: We have tried in every opportunity with our equipment to look for ways in working with the providers when we bid on them to see improvements. The trucks used to have a step up that was sorted from and we had a lot of ankle injuries. We continually work for improvements and change the design to prevent injuries.

Mayor Jordan: When we were talking about the regional thing, some of the counties came up to the microphone and said they might be interested in a single-stream regional approach. Nobody has brought it up to the Boston Mountain Solid Waste. There has been no discussion on a single-stream regional project.

Council Member Marsh: The Take Home Vehicles program is not necessarily the best investment, but after doing research, I think there is benefit in having some take home vehicles from a community resiliency and disaster planning standpoint. We saw with Ozark Regional Transit, the hazards of storing all your vehicles in one place. Rather than allocate that money specifically for Take Home Vehicles, I would like to reclassify it for officer recruitment, retention, and development. It would give staff the opportunity to decide how to best invest that money.

Don Marr: Whatever reallocation, if it's for that category, must be capital related and not operations related. Pay bonuses would be pay operations and not capital.

Council Member Marsh With that in mind, we should question the amount of money we are investing in that program. On the sidewalk improvements, we are allocating \$380,000 a year. What were we allocating last year?

Paul Becker: We allocated \$380,000 from the Street Fund. We increased the sidewalk improvement payment to \$600,000 this year. The combination of those two would be on sidewalks.

A brief discussion continued about allocation of funds.

Council Member Gray: I have been working on Take Home Vehicles for several years. My source of information is our Police Chief and staff who have been supportive of thinking this was a good way to spend our money. Being able to take them home is an excellent thing. We've had some home invasions in our city recently. I feel a police car in the neighborhood, which is not a high crime neighborhood, would have deterred that home invasion. I believe that is a big reason for us to consider this. Recruitment is an excellent reason we would have Take Home Vehicles. The vehicles last much longer because they aren't in action 24/7. We are having to put a lot of money into it at this particular moment, but once we get our fleet up to where it should be, then we will not have to spend so much each year due to the vehicles lasting longer.

Mayor Jordan: Mike, come up here and tell them why this program is important.

Mike Reynolds, Deputy Chief of Police: The number one place we recruit from is Northwest Arkansas. When you look to those cities comparable to us, which is Bentonville, Rogers, Springdale, Benton County, and Washington County, they all have Take Home Vehicle programs for their officers. It is one benefit we look at. In my 24 years there are benefits we've compared with other agencies, as applicants also compare. One of those was certificate pay, which we recently got through. The other one was the Take Home Vehicle program. In 2012, we initiated the Take Home Vehicle program and we had zero take home units at that time. Today we have eight. It doesn't seem like a whole lot, but it takes us a lot of money to get there. The best way to get there is through our Capital Improvement Projects. We have seven vehicles planned for the CIP through the five-year plan. I attended the Arkansas Chiefs Convention with Chief Tabor. One of the number one concerns with Chiefs in Arkansas is how to recruit and retain a workforce, especially in these times. These times when our officers in my profession are being vilified by some. We are fortunate to be in Northwest Arkansas because we feel like we are a little bit more immune than other areas throughout our nation. The law enforcement officers killed and assaulted report from the FBI came out. Officers have been killed 60% more in 2016 than in 2015. It is harder to get people interested in being Police Officers. We have to do everything we can as management to recruit and retain the workforce and keep the professional Police Department that we have and the service we provide to our citizens. Operational readiness is not only a benefit for our employees, it is a benefit for the 84,000 citizens in this city.

Don Marr: There is a value and the program only allows Take Home Vehicles to go to our officers who live within the city limits of Fayetteville. Over 65% of our city workers live outside of the city, so it is an incentive for in-residency officers that can be valuable for emergency situations. It might be helpful for the Council as you evaluate this, to confidentially see where these vehicles are spread throughout the city.

Council Member Long: With eight officers, that is a lot of money for eight people. What officers are given that priority? Are the eight highest ranking officers the ones that get those?

Mike Reynolds: It is given by seniority, but by shift as well. We have two squads that work nights and two squads on days on 12-hour shifts. In order to equally distribute those vehicles, we do two to each squad and it is based upon seniority to the senior person of the squad.

Council Member Long: Is turnover highest in our senior officers or junior officers?

Mike Reynolds: Lately, it has been our senior officers.

Council Member Long: Is that because of retirement or going to other cities?

Mike Reynolds: Retirement.

Council Member Long: We aren't talking about retiring employees when talking about attracting and retaining employees. We are looking at junior officers we are trying to retain and attract to those new positions. Those are generally not the officers getting the Take Home Vehicles because they don't have the seniority. I'm not sure how that would play into employee retention and attraction.

Mike Reynolds: When I said we have two take home units assigned to each squad for a total of eight, most of our less tenured officers are on the night shift, working 7:00 p.m. to 7:00 a.m. It is a benefit for half of them. It's probably a two to three-year officer on our night squad that has a take home unit.

Council Member Long: What is our turnover amongst those officers?

Mike Reynolds: Our turnover is running about 6% to 7% on an annual basis, which is fairly low.

Council Member Petty: Even though I've expressed skepticism about the program, I don't think replacing this with something general in nature is the right move. I don't support moving it into operations. I would give any proposal that came later to amend the CIP and divert this funding into something else its due consideration if it was fully vetted whenever it came forward.

Council Member Marsh moved to reclassify the money from being specifically for Take Homes Vehicles to being for officer recruitment, retention, and development. Council Member Long seconded the motion. Council Member Marsh then requested to withdraw her motion because she was thinking holistically about the budget instead of in terms of capital improvements. Council Member Long withdrew his second.

Council Member Marsh: In going forward, I hope we look at alternative ways to recruit and support our officers beyond this program.

Council Member Kinion: I look at this a little differently as a manger that had to manage a corporate division where an incentive was a vehicle. It's not just recruitment, it's retention. You come into a program with the promise that if you stay around and perform, then you get to the point that you get a vehicle. If you look at a corporate model, there is a payback on it because it is used in every Fortune 500 company in people that have to be mobilized. As we expand the program there will be more vehicles throughout the community for readiness. I see so many points to this and we have to take it seriously. It is a large long-term investment. It is important to be competitive in this market to at least meet the same standards or you are going to lose your best officers. This is the right move to consider and put it into the program. As we move along we can evaluate to see how effective it is.

Council Member Tennant: Is it getting harder to recruit good officers into this city given the growth of Northwest Arkansas?

Mike Reynolds: We have been fortunate when I listen to my counterparts, that it's not quite as difficult in Fayetteville. I attribute that to the support you give the Police Department with the benefits we have. As long as we can stay competitive with those benefits and pay incentives, we will stay ahead of what others are experiencing. In Northwest Arkansas, we are kind of in a bubble. It's my job and your job to ensure we continue that and this is why it's so important. Once you take something away from an employee that works for you, it has a demoralizing effect. I've got 38 officers eligible for a take home unit based on our criteria and in January 2018, I will have 44. They look forward to that and it is an incentive they want.

Council Member Tennant: The mere presence of this program helps recruitment and retention. It enables people to see what is possible if they stick around in a particular position. I'm careful in a situation like this to question the leadership of our Police Department because it is life and death to recruit the best people. I look at a city budget and all things we want to do, but if we don't have a safe city, then none of that matters. In east Fayetteville we had home invasions, shootings, and kidnapping. I don't see us in a position where we can make a conscious decision to damage the recruiting efforts of our Police Department. It is our job to look at everything, but you better have a really good reason to not trust the Police Department on these sorts of things. It is a good tool for them to use and I appreciate all the efforts of our officers.

Mayor Jordan: I meet with the Police Chief and Fire Chief every Monday morning. We discuss the needs for the Fire Department and Police Department. If the Police Chief comes in and says, I need this for recruitment, I don't question it that much. Whatever the Chief of Police and Fire Chief say they need, I try to get for them. I can't give them everything, but I try to give them as much as I can. We do all that so we can recruit the best and keep the city safe.

Don Marr spoke about benefits.

Mayor Jordan: We are going to talk about all of this in November.

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

Resolution 223-17 as recorded in the office of the City Clerk

New Business:

RZN 17-5925: (820 S. Government Ave./Barnes): An ordinance to rezone that property described in rezoning petition RZN 17-5925 for approximately 1.73 acres located at 820 South Government Avenue from RMF-24, Residential Multi Family, 24 units per acre, MSC, Main Street Center, and I-1, Heavy Commercial & Light Industrial to I-1, Heavy Commercial & Light Industrial.

City Attorney Kit Williams read the ordinance.

Andrew Garner, City Planning Director gave a brief description of the ordinance. The Planning Commission recommended approval. Staff is in favor of the request.

Council Member Marsh and Council Member Gray stated they had not heard any comments in support or against the rezoning.

Council Member Marsh: The area has been industrial for a long time and while I don't think this is ideal, it's a great opportunity for some light manufacturing in the future. It would work well with the adjacent arts district.

Bob Barnes, Applicant stated he wants to keep doing what he's done on the property since the 1970's. He stated he would probably sell in about eight to ten years. He stated he wants to do more things inside instead of being out in the weather.

Council Member Marsh: This is not directly related to the rezoning, but it's the property land use. At the corner of the trail, you've got your chain link fence with the privacy panels. It's creating a blind corner for trail users who are in that intersection, which could be a dangerous condition. I would like for you to consider removing some of those brown strips so that people can see 10 feet back of that intersection.

Bob Barnes: When we donated the land for the trail on the north side, the Trails Division put the brown screen in to be a buffer.

Council Member Marsh: Since then, we have had some crashes in that tunnel.

City Attorney Kit Williams: With your permission we could allow our employees to do it.

Bob Barnes: That's fine with me.

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

City Attorney Kit Williams read the ordinance.

Council Member Petty: This rezoning is a mistake. I have nothing against what you want to do with your property in terms of expansion. We should pursue a different mechanism to be able to grant you that permission. This removes the ability to residential by right in this area, which is where we designated it's needed and planned for it to be in at least two planning documents and is a critical mistake. We've heard the plan is to sell this business and property within the next generation. We are rezoning this to allow full scale manufacturing by right and to allow wholesale bulk petroleum storage by right. Any business that needs to do those things is going to look to this property as an opportunity for them to do that without having to come back to the Council, even

though we've designated this particular area of town as critical for our growth. This zoning isn't appropriate, although the uses are appropriate.

City Attorney Kit Williams: Andrew, is there another option? This is a non-conforming use and we are usually not allowed to expand to non-conforming use by building what the applicant has requested to do. Is that right?

Andrew Garner: Yes. We have talked to Mr. Barnes for months and it's been an issue for him. The only solution we come up with was to rezone the property to I-1. The other option would be to rezone to some sort of PZD that would allow Use Unit 17 for his trucking business by right, but not negate some of the other uses that may be desired. The PZD process is a bit more difficult. In this case for a small parcel we felt comfortable with it. I don't think there is any legal way to allow for a non-conforming use to be expanded with an additional building like Mr. Barnes was wanting.

Council Member Petty: I think Andrew is correct when we talk about the laws we have on the books. I would be eager to carve out general exemptions for properties that have been in business for so long to allow them to do reasonable expansions, even if their current uses are not conforming.

Council Member Marsh: What is your timeline for expanding your facility? Do you need this tonight or can we have a little bit of time to find a more creative solution that will work for you?

Bob Barnes: We have worked on this for over a year. I would like to get something going before winter. I do a lot of work outside.

Council Member Marsh: If we hold this for two weeks is it going to set you back?

Bob Barnes: No.

Council Member Marsh: I would like to leave it on this reading. That would give Council Member Petty time to make recommendations to our Planning staff. I'm disappointed this has been going on for over a year and our Planning staff has not approached us asking for help with finding a solution.

Bob Barnes: I want to thank the Planning staff. They have really helped me a lot.

This ordinance was left on the Second Reading

2017 Standard Specifications for Design and Construction of Water Lines and Sewer Lines:
An ordinance to enact §173.12 **Specifications for Water and Sewer Lines** in Chapter 173 **Building Regulations** of the Unified Development Code.

City Attorney Kit Williams read the ordinance.

Tim Nyander, Utilities Director gave a brief description of the ordinance. He stated the Department of Health has reviewed the proposed edition and will approve it upon receipt of the

final document approved by the City Council. He stated the Water, Sewer, & Solid Waste Committee voted 3-1 to forward the document to City Council with recommendation for approval.

Council Member Kinion: This is necessary for us to be in compliance with standards and health regulations. It gives us flexibility of cost sharing. The staff went above and beyond to answer all the concerns we had based on past situations. This is an incredibly comprehensive and good change.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Mayor Jordan: Thank you to the staff and Water, Sewer, & Solid Waste Committee for their work on this.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Council Members Gray, Marsh, Kinion, Petty, Tennant, Bunch, and Long voting yes. Council Member La Tour was absent.

Ordinance 6003 as Recorded in the office of the City Clerk

InVeritas Research & Consulting, LLC: An ordinance to waive the requirements of formal competitive bidding and approve a contract with InVeritas Research & Consulting, LLC in the amount of \$3,500.00 to conduct a workshop for the city management team to develop an implementation plan based on the InVeritas Strategic Planning Final Report submitted to the City Council after their Spring workshop.

City Attorney Kit Williams read the ordinance.

Don Marr, Chief of Staff gave a brief description of the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Council Members Gray, Marsh, Kinion, Petty, Tennant, Bunch, and Long voting yes. Council Member La Tour was absent.

Ordinance 6004 as Recorded in the office of the City Clerk

Appeal RZN 17-5901 (1100 N. Meadowlands/Khajehnajafi): An ordinance to rezone that property described in rezoning petition RZN 17-5901 for approximately 1.20 acres located at 1100 North Meadowlands Drive from R-O, Residential Office to CS, Community Services.

City Attorney Kit Williams read the ordinance.

Andrew Garner, City Planning Director gave a brief description of the ordinance.

City Attorney Kit Williams gave a brief historical description of the item.

Heath Meyers, Blew & Associates Representing the Applicant was available for questions.

City Attorney Kit Williams: I want to confirm that this is in fact now your request. You decided to change it for the City Council to request Community Services?

Heath Meyers: Yes, we did.

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

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Council Members Gray, Marsh, Kinion, Petty, Tennant, Bunch, and Long voting yes. Council Member La Tour was absent.

Ordinance 6005 as Recorded in the office of the City Clerk

Announcements:

Don Marr, Chief of Staff: We are having our 19th Annual Celebration of Trees Giveaway on October 28, 2017. It will take place at the Arvest Bank Plaza on Center Street. It begins at 7:00 a.m.

The last Fall Bulky Waste Cleanup is on October 28, 2017 from 7:00 a.m. to 2:00 p.m. The location is at Woodland Junior High School and the Recycling & Trash Facility.

The Animal Shelter is hosting an Adoption Spooktacular on October 28, 2017.

The Greedy Goats are currently working until October 21, 2017 to help remove invasive plants in Wilson Park.

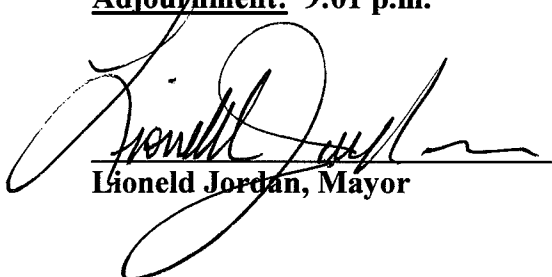
City Attorney Kit Williams gave an update on two cases the City of Fayetteville is involved with.

City Council Agenda Session Presentations:

Agenda Session Presentation - Energy Action Plan Update

City Council Tour: None

Adjournment: 9:01 p.m.



Lioneld Jordan, Mayor



Sondra E. Smith, City Clerk Treasurer