

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Boudreaux
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Sarah E. Lewis

**Final Agenda
City of Fayetteville Arkansas
City Council Meeting
September 18, 2012**

A meeting of the Fayetteville City Council will be held on September 18, 2012 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

- 1. Advertising and Promotion Commission Appointment** – The Commission recommends the appointment of Ching Mong
- 2. Nominating Committee Report** – Alderman Adella Gray

Agenda Additions:

A. Consent:

- 1. Approval of the September 4, 2012 City Council meeting minutes.**

2.Repeal Resolution No. 152-12 Drake Field Pavement Rehab & Re-Marking Phase II

Project: A resolution repealing Resolution No. 152-12 rescinding an unneeded budget adjustment.

3.2012-2013 Selective Traffic Enforcement Program (STEP) Grant: A resolution to approve the 2012-2013 Selective Traffic Enforcement Program Grant award in the amount of \$112,500.00 and to approve the attached budget adjustment.

4.Riggs Cat: A resolution to approve the purchase of a backhoe loader pursuant to the state contract from Riggs Cat in the amount of \$136,000.00 plus any applicable sales tax and to approve the attached budget adjustment.

5.Goodwin & Goodwin Change Order 1: A resolution to approve Change Order No. 1 of the construction contract with Goodwin & Goodwin, Inc. for an additional \$105,125.00 and to approve a budget adjustment.

6.Bid 12-67 Second Nature Property Management, LLC: A resolution awarding Bid #12-67 and authorizing a contract with Second Nature Property Management, LLC in the amount of \$48,206.00 for the planting and maintenance of trees from the Tree Escrow Fund, and approving a ten percent (10%) project contingency.

7.Razing and Removal Costs for 1609 S. Duncan Avenue: A resolution certifying to the Tax Collector of Washington County, Arkansas the costs of razing and removal of a dilapidated and unsafe structure upon the property owned by Adam P. Dyess, Perry J. Dyess and Carolyn A. Dyess located at 1609 S. Duncan Avenue in the City of Fayetteville, Arkansas.

B. Unfinished Business:

1.RZN 12-4166 (South of Brookbury Crossing & East of Candlewood Developments/ Riggins): An ordinance rezoning that property described in rezoning petition RZN 12-4166, for approximately 20.99 acres, located to the south of Skillern Road from R-A, Residential Agricultural to RSF-0.5, One Half Single-Family Units Per Acre. *This ordinance was left on the First Reading at the August 21, 2012 City Council meeting and Tabled to the September 18, 2012 City Council meeting.*

Left on the First Reading.

C. New Business:

1. §92.01 Definitions of the Animals Chapter & §92.35 Managed Care of Feral Cats:
An ordinance to enact new definitions into §92.01 **Definitions** of the **Animals** Chapter of the Fayetteville Code and enact §92.35 **Managed Care of Feral Cats**

2. **VAC 12-4141 (555 W. Maple St./555 Maple):** An ordinance approving VAC 12-4141 submitted by McClelland Consulting Engineers, Inc. for property located at 555 West Maple Street to vacate a portion of Lafayette Street right-of-way, a total of 0.04 acres.
3. **VAC 12-4201 Nantucket Phase IV:** An ordinance approving VAC 12-4201 submitted by Civil Design Engineering for property located west of Morningside Drive (Nantucket Phase IV) to vacate a utility easement, a total of 0.24 acres.
4. **ADM 10-3554 I-540 Design Overlay District and Board of Adjustment Variance Findings:** An ordinance to amend Chapters, 151, 156, 161, 164, 166, and 174 of the Unified Development Code to repeal the requirements of the I-540 Design Overlay District and revise various sections of the code accordingly and to amend the Board of Adjustment findings for variances to reflect state statutes.
5. **Amend 163.13 Wireless Communication Facilities:** An ordinance to amend §163.13 Wireless Communication Facilities of the Unified Development Code to clarify height limitations for antennas placed upon existing structures, to empower the zoning and development administrator to grant a variance in appropriate circumstances and to declare an emergency.
6. **Amend §36.01 Initiative Petitions; When to be Filed:** An ordinance to amend §36.01 Initiative Petitions; when to be filed to change 60 days before the general election to 83 days before the general election to facilitate ballot printing for early voting.
7. **2012 Millage Levy:** An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas for the year 2012 fixing the rate thereof at 1.3 mills for General Fund operations, 0.4 mills for the Firemen's Pension and Relief Fund, 0.4 mills for the Policemen's Pension and Relief Fund and 1.0 mill for the Fayetteville Public Library; and certifying the same to the County Clerk of Washington County, Arkansas.

City Council Tour: None

Announcements:

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

All interested persons may address the City Council on agenda items of New and Old Business. Please wait for the Mayor to request public comment and then come to the podium, give your name, address, and comments about the agenda item. Please address only the Mayor. Questions are usually answered by the Mayor, Aldermen or Staff after the public comment period is over. Please keep your comments brief and respectful. Each person is only allowed one turn at the microphone for discussion of an agenda item.

All cell phones must be silenced and may not be used within the City Council Chambers.

Below is a portion of the **Rules of Order and Procedure of the Fayetteville City Council** pertaining to City Council meetings:

Agenda additions. A new item which is requested to be added to the agenda at a City Council meeting should only be considered if it requires immediate City Council consideration and if the normal agenda setting process is not practical. The City Council may only place such new item on the City Council meeting's agenda by suspending the rules by two-thirds vote. Such agenda addition shall be heard prior to the Consent Agenda.

Consent Agenda. Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If an Alderman wishes to comment upon or discuss a Consent Agenda item, that item shall be removed and considered immediately after the Consent Agenda has been voted upon.

Old business and new business.

Presentations by staff and applicants. Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aides in a City Council meeting as part of their presentation.

Public comments. Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.

Courtesy and respect. All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

Interpreters or TDD for hearing impaired are available for all City Council meetings, a 72 hour advance notice is required. For further information or to request an interpreter, please call 575-8330.

A copy of the complete City Council agenda is available at accessfayetteville.org or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas.