

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

**City of Fayetteville Arkansas
City Council Meeting Minutes
June 05, 2012**

A meeting of the Fayetteville City Council was held on June 05, 2012 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

PRESENT: Alderman Gray, Boudreaux, Kinion, Petty, Adams, Lewis, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Tennant and Ferrell

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items: None

Agenda Additions:

Consent:

Approval of the May 15, 2012 City Council meeting minutes.

Approved

Animal Services Donation Revenue: A resolution approving a budget adjustment in the amount of \$19,175.00 representing donation revenue to Animal Services for the first quarter of 2012.

Resolution 109-12 as recorded in the office of the City Clerk.

Bid #12-28 Chevrolet of Fayetteville: A resolution awarding Bid #12-28 and authorizing the purchase of two 4X4 compact pickup trucks from Chevrolet of Fayetteville in the total amount of \$39,958.00, one for use by the Wastewater Division and one for use by the Meter Division, and approving a budget adjustment.

Resolution 110-12 as recorded in the office of the City Clerk.

Bid #12-29 MHC Kenworth/Volvo: A resolution awarding Bid #12-29 and authorizing the purchase of one tandem axle dump truck from MHC Kenworth/Volvo of Springdale in the total amount of \$128,755.00, and approving a budget adjustment.

Resolution 111-12 as recorded in the office of the City Clerk.

Bid #12-30 North Point Ford: A resolution awarding Bid #12-30 and authorizing the purchase of one 4X4 crew cab dump truck from North Point Ford of North Little Rock in the total amount of \$46,909.00, for use by the Transportation Division.

Resolution 112-12 as recorded in the office of the City Clerk.

Bid #12-31 J. Richard Wolf Co.: A resolution awarding Bid #12-31 and authorizing the purchase of one trailer mounted diesel water pump from J. Richard Wolf Company of Stuttgart in the total amount of \$49,760.00, for use by Sewer Maintenance.

Resolution 113-12 as recorded in the office of the City Clerk.

Bid #12-32 ICM, Inc.: A resolution awarding Bid #12-32 and authorizing the purchase of one sewer cleaning-vacuum machine from ICM, Inc. of Jacksonville in the total amount of \$361,276.05 for use by Water and Sewer, and approving a budget adjustment.

Resolution 114-12 as recorded in the office of the City Clerk.

Bid #12-35 Terex Utilities: A resolution awarding Bid #12-35 and authorizing the purchase of one 1.5 ton service body truck from Terex Utilities south of North Little Rock in the total amount of \$41,554.00, for use by Water and Sewer.

Resolution 115-12 as recorded in the office of the City Clerk.

Bid #12-36 Terex Utilities: A resolution awarding Bid #12-36 and authorizing the purchase of one service body truck with nine-foot utility body from Terex Utilities south of North Little Rock in the total amount of \$38,385.00, for use by the Transportation Division, and approving a budget adjustment.

Resolution 116-12 as recorded in the office of the City Clerk.

Bid #12-38 MHC Kenworth/Volvo: A resolution awarding Bid #12-38 and authorizing the purchase of one truck tractor unit from MHC Kenworth/Volvo of Springdale in the total amount of \$114,715.00 for use by Wastewater Treatment, and approving a budget adjustment.

Resolution 117-12 as recorded in the office of the City Clerk.

Bid #12-41 Terex Utilities: A resolution awarding Bid #12-41 and authorizing the purchase of one Ford F-550 super duty 4X4 truck with crane from Terex Utilities south of North Little Rock in the total amount of \$68,038.00, for use by the Wastewater Division.

Resolution 118-12 as recorded in the office of the City Clerk.

Bale Chevrolet: A resolution authorizing the purchase of two fully-equipped Chevrolet Tahoe police pursuit vehicles from Bale Chevrolet of Little Rock, pursuant to a state procurement contract, in the total amount of \$109,570.00, and approving a budget adjustment.

Resolution 119-12 as recorded in the office of the City Clerk.

McClelland Consulting Engineers: A resolution approving a contract with McClelland Consulting Engineers, Inc. in the amount of \$388,600.00 for water transmission line layout and easement acquisition related to a third connection to Beaver Water District.

Resolution 120-12 as recorded in the office of the City Clerk.

Fulbright Expressway/Highway 71B Flyover Project: A resolution authorizing the donation of right-of-way to the Arkansas State Highway Commission to facilitate completion of the Fulbright Expressway/Highway 71B Flyover Project.

Resolution 121-12 as recorded in the office of the City Clerk.

Professional Hiring Policy: A resolution to approve the City's Professional Hiring Policy numbers PU-12 and PU-13.

Resolution 122-12 as recorded in the office of the City Clerk.

Alderman Boudreaux moved to approve the Consent Agenda as read. Alderman Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant and Ferrell were absent.

Unfinished Business:

RZN 12-4077 Halsell Road/Pratt Place Inn Appeal: An ordinance rezoning that property described in rezoning petition RZN 12-4077, for approximately 2.37 acres, located on Halsell Road from C-PZD, Commercial Planned Zoning District, to RSF-4, Residential Single-Family, 4

units per acre, subject to the offered Bill of Assurance. *This ordinance was left on the Second Reading at the May 15, 2012 City Council meeting.*

Alderman Gray moved to suspend the rules and go to the third and final reading. **Alderman Lewis** seconded the motion. Upon roll call the motion passed 6-0. **Alderman Tennant** and **Ferrell** were absent.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief recap of the ordinance.

Alderman Petty: Jeremy could you explain if we grant this rezoning what kind of street improvements will we be able to see there?

Jeremy Pate explained the street improvements that might take place.

Alderman Lewis: We are talking about only zoning four units and they could build a road into it with driveways coming onto that?

Jeremy Pate: That is one option. He went on to explain the various options available.

Alderman Lewis: The City would not be involved in that because it would be a private drive.

Jeremy Pate: It would be a part of the building permit so we would require an access easement to be filed over that drive to allow for all future property owners to maintain rights to that access easement.

Fran Alexander, Co-owner of the property on the east side of this rezoning area asked the Council to please understand that the ordinance is created for protection of people so they can make plans for their property. She went on to speak in favor of the ordinance.

Tim Kring, resident of 1777 West Halsell expressed his concerns and spoke against the ordinance.

Mary Basset, representing the Archers on the sale of this property stated I just request that you approve the rezoning tonight.

John Davidson, a citizen confirmed that it still could be voted on even if there were two Aldermen missing.

City Attorney Kit Williams confirmed that it takes five affirmative votes to pass a resolution or ordinance and you must be present to vote.

Alderman Gray: I would like to hold this until the next meeting when these two Aldermen will be here.

Alderman Gray moved to table the ordinance to the June 19, 2012 City Council meeting. Alderman Boudreaux seconded the motion.

Alderman Lewis: That's okay with me. We did discuss this at the Ward 4 meeting but this would give more people in Ward Four an opportunity to give their comments.

Upon roll call the motion to table passed 6-0. . Alderman Tennant and Ferrell were absent.

This ordinance was left on the Third Reading and Tabled to the June 19, 2012 City Council meeting.

New Business:

Proposed 2013-2017 Five-Year Capital Improvements Plan: A resolution adopting the 2013-2017 Five-Year Capital Improvements Plan.

Paul Becker, Finance Director gave a brief description of the resolution.

Alderman Lewis: I had someone ask where the community gardens might fit in our budgeting. Is that Parks?

Paul Becker: We would look at that first in the park area.

Alderman Petty: I would like to hold this here and talk with the Finance Director about some things.

Alderman Petty moved to table the resolution to the June 19, 2012 City Council meeting. Alderman Lewis seconded the motion. Upon roll call the motion to table passed 6-0. Alderman Tennant and Ferrell were absent.

Amend §97.015 Operating Hours: An ordinance to Amend §97.015 Operating Hours in Chapter 97: Parks and Recreation to authorize the Parks and Recreation staff to extend a park's closing time when necessary for a tournament or special event.

City Attorney Kit Williams read the ordinance.

Connie Edmonston, Parks and Recreation Director gave a brief description of the ordinance.

Alderman Lewis: Does that affect the staffing resources?

Connie Edmonston: No, we have to be there until the tournament is over so staffing we accommodate ourselves.

Alderman Gray: So the lights do not turn off automatically right?

Connie Edmonston: Correct, we turn them off and if there is only one game going on then we will turn off the other fields.

Alderman Gray: I was there one night when the lights went off but I am sure that was a one time thing.

Alderman Adams: Have you heard anything negative from citizens since you introduced this?

Connie Edmonston: No, basically the complexes that it affects are Gary Hampton and Lake Fayetteville. We do not do it that often.

Don Marr: I might add that this is a practice we have been doing and identified that the ordinance needs to be changed to allow us to do it officially.

Alderman Lewis moved to suspend the rules and go to the second reading. Alderman Adams seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant and Ferrell were absent.

City Attorney Kit Williams read the ordinance.

Alderman Boudreaux moved to suspend the rules and go to the third and final reading. Alderman Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant and Ferrell were absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Tennant and Ferrell were absent.

Ordinance 5501 as Recorded in the office of the City Clerk.

VAC 12-4102 (1000 W. Stone St./Fayetteville High School): An ordinance approving VAC 12-4102 submitted by Crafton Tull and Associates for property located at 1000 West Stone Street to vacate utility easement and right-of-way.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

Alderman Lewis: On this type of thing you always weigh it against the Master Street Plan and those types of checks?

Jeremy Pate: Yes, and there is no desire to construct a public street through this area.

Alderman Boudreaux moved to suspend the rules and go to the second reading. Alderman Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant and Ferrell were absent.

City Attorney Kit Williams read the ordinance.

Alderman Boudreaux moved to suspend the rules and go to the third and final reading. Alderman Lewis seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant and Ferrell were absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Tennant and Ferrell were absent.

Ordinance 5502 as Recorded in the office of the City

Amend §173.08 Arkansas Energy Code: An ordinance to amend §173.08 Arkansas Energy Code of the building regulations chapter of the U.D.C. to adopt the 2009 Residential International Energy Efficiency Code, with amendments herein.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance. He stated I am recommending that you leave this on the first reading and not pass it tonight so we can get this in better shape in terms of an implementation date. He went on to explain various education opportunities that would be available for staff in the near future.

Alderman Lewis: Can you talk about where other states are? I would like to communicate that Arkansas compared to other states has a ways to go in this area.

Jeremy Pate: It's a little all over the map and it's a little tricky to do a quick internet search. We could probably do a little more research on that and get back to you in the next meeting.

Alderman Lewis: In my quick research I was impressed that there were so many places that were adopting those at different levels.

Jeremy Pate: Some states choose not to go with ICC Codes whatsoever. They adopt their own standards.

Alderman Petty stated this will open the door to give people that are the recipients of certificates in that program the jobs to do what they are trained to do. We are going to save homeowners money by passing this. He went on to thank staff for working so thoroughly with the community to come up with something that everyone in the industry can agree with.

Mikel Lolley, resident of Hill Street stated in response to Alderman. Lewis's question, if we adopted 2009 IECC as a State we would join 32 other states who have comparable or even more stringent energy codes. By adopting more stringent code we are really looking after the consumers. He went on to speak in favor of the ordinance.

Aaron Worth with the Home Builders Association expressed his concerns with the ordinance and went on to speak against the ordinance.

Alderman Lewis thanked Aaron for his leadership thus far.

Rob Sharp stated this is very important because it levels the playing field right now and he went on to speak in favor of the ordinance.

Dan Coody, a Fayetteville Citizen spoke on energy efficiency and his past experience with building energy efficient. He went on to speak in favor of the ordinance.

City Attorney Kit Williams: Alderman Ferrell asked that this be left on the first reading so he could be here to discuss it.

Alderman Lewis: I hope people will come and share their ideas. This is a perfect example of sustainability.

This ordinance was left on the First Reading

RZN 12-4108 (4847 W. Wedington Dr./Bank of Wynne): An ordinance revoking R-PZD 07-2576 (Woodstock) and rezoning that property described in rezoning petition RZN 12-4108, for approximately 31.68 acres, located at 4847 West Wedington Drive from R-PZD, Residential Planned Zoning District 07-2576, to R-A, Residential Agricultural.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance. He stated we are recommending that this be held on the first reading and we will have a new proposal for you a week from now.

Jeremy Kennedy, representing the applicant stated we just need a little more time to come to an agreement that staff can support and that the owner is happy with.

Alderman Adams: I was at the Planning Commission meeting and there was a citizen there that thought the applicant had not met with the neighborhood and residents. Have you all made an effort or is that in your plan at all?

Jeremy Kennedy: That wasn't in our plan, all the notices were sent out. She had questions that referenced the previous development plans.

Alderman Lewis: We have a Ward 4 Meeting at the end of June. Can I connect with you on coming to that meeting?

Jeremy Kennedy: Absolutely.

This ordinance was left on the First Reading

R-PZD 12-4079 (N.W. Corner of W. Cleveland St. & Hall Ave./Project Cleveland): An ordinance establishing a Residential Planned Zoning District titled R-PZD 12-4079, Project Cleveland, located at the northwest corner of West Cleveland Street and Hall Avenue; containing approximately 2.71 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

Alderman Lewis: Sorry I missed the intersection that you were describing.

Jeremy Pate: Garland & Cleveland.

He went on to further explain the ordinance.

Alderman Adams asked what does the PZD gain for the developer that the multi-family zoning does not.

Jeremy Pate explained the advantages.

Alderman Lewis: So traffic has been a part of the discussion and pedestrian movement. Also, the external form has changed quite a bit through the process of getting to this point. Is there a way to have it to where there is opening out into the neighborhood to where people are able to be a part of the community and not an internal community?

Jeremy Pate: I would let the citizens speak to that because we have heard less about form and more about scale.

Alderman Petty: I have heard from three different people in the community now that say perhaps we should put a hold on student housing developments until conversations with the University have matured more about an overlay district. I would support something like that but this project before us should be debated on its merits and get it off the table while we can. A possible hold on student projects after this might be something that we talk about doing while we take 90 days to talk to the University to figure out some of that stuff.

Seth Mims with the Specialized Real Estate Group gave a brief description of the proposed project for this area.

Alderman Petty questioned the traffic numbers that were previously discussed. He asked Seth Nimms to explain why difference occurred between here and the University of Virginia.

Seth Mims: It has to do with the believability because if a student is right next to campus he is going to walk a vast majority of the time. We are making sure that our numbers are too conservative. If anything we are estimating much more vehicular traffic than what we believe and what studies have shown will actually occur.

Aubrey Shepherd, a citizen expressed his concerns with the drainage and stated we need more natural places that hold that flooding and erosion.

Mikel Lolley explained the importance of diversity and fashion and went on to speak in favor of the ordinance.

Rebecca Harrison, a citizen stated I do not think this is the right kind of infill and it's not considering our already established neighborhood. She went on to speak against the ordinance.

Abel Tominson, resident of Ward 2 stated the neighborhood is so peaceful right now and if this lowers the quality of life I would recommend finding an alternative site.

Drew Dodson, resident of 1686 W. Main stated I think this is more like trying to consolidate the market and make a lot more money off the fact that it's a lot closer to the University rather than that money going to individuals within the community that would make that money.

Ken Gardner, resident of 909 N. Hall gave a brief history of the surrounding area. He stated if this PZD passes you are going to have a difficult time keeping other Large Scale Developments out of that block. He went on to speak against the ordinance.

Pat Briney, resident of 760 N. Cedarwood expressed his concerns with drainage and traffic and went on to speak against the ordinance.

Sara Eickmann, resident of 648 N. Gray Avenue stated there have been statements made that the school supports this project and those are untrue. The school as represented by the principal is remaining neutral. She went on to express her concerns with safety and speak against the ordinance.

Rob Sharp stated the best thing we can do for traffic reduction is to put student housing as close to the University as possible. He went on to speak in favor of the ordinance.

Teresa Turk, resident of 1408 W. Cleveland spoke on the quality of life in Fayetteville and went on to speak against the ordinance.

David Orr, a citizen stated I am concerned with how the term appropriate infill is being interpreted. He went on to express his concerns.

Raymond Eichmann, resident of North Olive Street stated I am very disturbed by this project. He went on to express his concerns and speak against the ordinance.

Susan Gardner, resident of 909 N. Hall expressed her concerns with safety and went on to speak against the ordinance.

Mayor Jordan: I assume we will be leaving it here on the first reading.

The Alderman agreed.

This ordinance was left on the First Reading

“Move to Amend” Campaign Support: A resolution to support the “Move to Amend” campaign by joining with other communities around the country to defend democracy by amending the United States Constitution to ensure only human beings, not corporations, have constitutionally protected free speech rights.

Alderman Petty gave a brief description of the resolution.

Alderman Kinion: It is my privilege to co-sponsor this with Matthew and I think he stated our points very clearly.

Mikel Lolley stated I am really pleased that you have addressed this. He went on to speak in favor of the resolution.

Kelly Eubanks, the spokesperson for Move to Amend Arkansas briefly explained the campaign and asked the Council to please support the resolution.

Aubrey Shepherd stated I think this is a no lose question that you are asked to make a resolution on. He went on to speak in favor of the resolution.

Abel Tomlinson also a member of Move to Amend asked all their supporters to stand. He stated this isn't about opposing corporations in anyway. He went on to speak in favor of the resolution.

Jim Laubler, a citizen stated I am perplexed that elected officials would seek to homogenize Fayetteville on the national stage by proposing a resolution staking out a communal opinion for a matter in which there is no consensus. He went on to speak against the resolution.

Julia Loftin, Director of a local non profit organization stated that me and all the directors I have spoken to absolutely support this resolution.

Drew Dodson stated I really appreciate this. He went on speak in favor of the resolution.

David Druding spoke in favor and stated I really urge you to pass the resolution.

Shelley Buonaiuto, a citizen stated please speak for the people. She went on to speak in favor of the resolution.

Fernando Garcia, a citizen spoke on freedom of speech and went on to speak in favor of the resolution.

Alderman Lewis stated I have received a lot of emails supporting this. I am supportive of this body making a statement that we as elected officials who represent the people of the City of Fayetteville are supportive of maintaining the fact that individuals decide who represent them. I will support this.

Alderman Gray: I very strongly support this. It's very important that we do everything we can to get it overturned.

Alderman Boudreaux asked for an explanation of why we are not just doing a resolution similar to what the Attorney General did asking the Supreme Court to reconsider a 2010 decision that eliminated federal restrictions on independent political spending by corporations.

Alderman Petty explained why the resolution was worded the way it is.

Mayor Jordan asked Jim Laubler to clarify who he was here to represent.

Jim Laubler: I am not here speaking for the Tea Party. This is just one issue that I had to be honest about.

Mayor Jordan: I'm sorry for any confusion I might have had.

Jim Laubler: I'm sure I represent a lot of their same thoughts.

City Attorney Kit Williams explained the Supreme Courts decision and stated I applaud our Aldermen for bringing this forward.

Alderman Lewis asked Kelly Eubanks what the next step is.

Kelly Eubanks explained their future plans.

Alderman Adams: Are we ready to vote on this after one week of it being walked on to the agenda? I would like to hear from more people.

Alderman Petty explained the reasons why he would prefer to vote on it.

Alderman Boudreaux pointed out that we had quite an audience earlier that could have stayed. I think we need to vote on it.

Mayor Jordan expressed his views on the resolution and stated if we do nothing we truly fail. He continued speaking in favor of the resolution.

Alderman Boudreaux stated I was concerned about voting on a national issue but this does pertain to us and so I will support this.

Mayor Jordan: I also think that you Mr. Laubler have a good point. You can't just work on national stuff all the time. We need to work on a lot of this stuff as well.

Alderman Petty moved to approve the resolution. Alderman Kinion seconded the motion. Upon roll call the resolution passed 6-0. Alderman Tennant and Ferrell were absent.

Resolution 123-12 as recorded in the office of the City Clerk.

Amend Chapter 117: An ordinance to amend Article IV Taxicabs and Article V Limousine Service of Chapter 117 of the Fayetteville Code to clarify notice requirements, cancellation of unused certificates of Public Convenience and Necessity, and other provisions.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams gave a brief description of the ordinance.

Alderman Boudreaux moved to suspend the rules and go to the second reading. Alderman Petty seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant and Ferrell were absent.

City Attorney Kit Williams read the ordinance.

Alderman Boudreaux moved to suspend the rules and go to the third and final reading. Alderman Adams seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant and Ferrell were absent.

City Attorney Kit Williams read the ordinance.

Alderman Boudreaux: I appreciate the hard work of the City Attorney, City Clerk and Police Department that has worked to get this to what it needs to be.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Tennant and Ferrell were absent.

Ordinance 5503 as Recorded in the office of the City Clerk

Enact §39.10 Water and Wastewater Damage Claims: An ordinance to enact §39.10 Water and Wastewater Damage Claims into the Fayetteville Code.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams gave a brief description of the ordinance.

Alderman Lewis: How is it determined whether or not there will be assistance.

David Jurgens explained the claim process.

Alderman Lewis: I would like to know that there is some human decision in there and it's not descriptive.

David Jurgens: Every case is evaluated by a specific job site.

Alderman Adams: So we can do as a city as little as possible, which I don't think you are trying to do here.

City Attorney Kit Williams: We could probably do nothing but that has not been the policy for the last 40 years to do nothing.

Alderman Adams: So you are injecting layers to where the Mayor can go even further. So this does try to move on to make things right with people even though we don't have to. I am glad to hear that.

City Attorney Kit Williams: It is also to clarify what damages we will pay and what we will not pay.

David Jurgens: If our system causes a failure we try to do right by them.

Don Marr: We also have a responsibility to not pay claims that are not the responsibility of all the citizens because that impacts the City budget and their financial pocket.

Alderman Kinion moved to suspend the rules and go to the second reading. Alderman Lewis seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant and Ferrell were absent.

City Attorney Kit Williams read the ordinance.

Alderman Kinion moved to suspend the rules and go to the third and final reading. Alderman Lewis seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant and Ferrell were absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Tennant and Ferrell were absent.

Ordinance 5504 as Recorded in the office of the City Clerk

Enact §39.11 Damage Claims Other Than Water and Wastewater Damage Claims: An ordinance to enact §39.11 Damage Claims Other Than Water and Wastewater Damage Claims into the Fayetteville Code.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams gave a brief description of the ordinance.

Alderman Lewis: The intent is to remove some of the old resolutions for a specific event?

City Attorney Kit Williams: They are repealed under this and this will be in the Code.

Julia Loftin: Who is the one that decides whether a particular claim will be covered or not covered?

City Attorney Kit Williams: On this one it will be the Chief of Staff and the other one will be our Utilities Director. It can go farther and if it's a large claim that the Mayor believes is worthy of more than \$8,000, then the City Council is brought into it and they get to decide.

Alderman Gray moved to suspend the rules and go to the second reading. Alderman Lewis seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant and Ferrell were absent.

City Attorney Kit Williams read the ordinance.

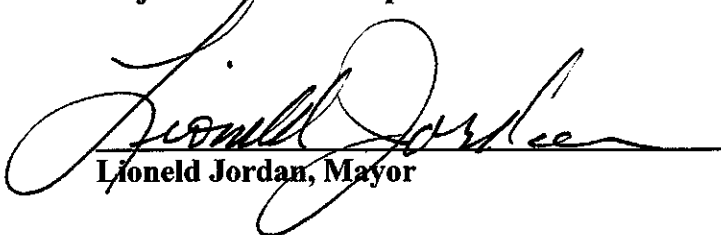
Alderman Boudreaux moved to suspend the rules and go to the third and final reading. Alderman Adams seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant and Ferrell were absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Tennant and Ferrell were absent.

Ordinance 5505 as Recorded in the office of the City Clerk

Adjournment: 10:15 p.m.


Lioneld Jordan, Mayor


Sondra E. Smith, City Clerk/Treasurer

