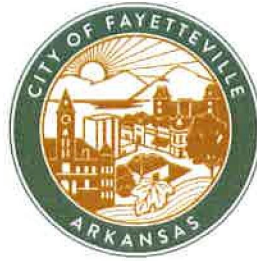


Council Member Sonia Harvey
Ward 1 Position 1

Council Member D'Andre Jones
Ward 1 Position 2

Council Member Mark Kinion
Ward 2 Position 1

Council Member Mike Wiederkehr
Ward 2 Position 2



Council Member Sloan Scroggin
Ward 3 Position 1

Council Member Sarah Bunch
Ward 3 Position 2

Council Member Teresa Turk
Ward 4 Position 1

Council Member Holly Hertzberg
Ward 4 Position 2

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Treasurer Kara Paxton

**City of Fayetteville Arkansas
City Council Meeting
October 18, 2022**

A meeting of the Fayetteville City Council was held on October 18, 2022 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 Sonia Harvey, D'Andre Jones, Mark Kinion, Mike Wiederkehr, Sloan Scroggin, Sarah Bunch, Teresa Turk, Holly Hertzberg, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Treasurer Kara Paxton, Chief of Staff Susan Norton, Chief Financial Officer Paul Becker, Staff, Press and Audience.

Council Member Bunch arrived after Roll Call at 5:32 PM.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Assistant Fire Chief William Watts Special Recognition

Brad Hardin, Fire Chief thanked the Mayor and Council for their time tonight. He stated that in 2018 the National Fire Protection Agency passed a code that all Air Packs had to be the same for every Firefighter in the Nation. He explained that the cost of each new Air Pack was over \$6,000 and the Fayetteville Fire Department had to replace all 76 of theirs. He noted that John Luther, representing Washington County, and Blake Holte, Springdale Fire Chief, were in attendance. He stated Chief Watts went to the County and presented the problem of needing to replace all of Fayetteville and surrounding departments Air Packs. He explained that the County put over five million dollars into this project and purchased 600 Air Packs, 1,200 Bottles and advanced

technology that helps the Fire Department locate Fire Fighter's that may be in danger. He believes that Assistant Fire Chief William Watts actions will likely save a Firefighter in the coming years. He wants to recognize Chief Watts for this tonight.

William Watts, Assistant Fire Chief: Thank you. It is humbling to receive recognition for a project like this. I want each of you to know the success of this project wasn't because of one person, it was because of many people. There were fire service supporters and leaders across Washington County, on behalf of all of them, I am proud to accept this recognition. I want to thank you.

Mayor Jordan: Congratulations Chief Watts, well deserved.

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

Agenda Additions: None

Consent:

Approval of the September 20, 2022 City Council Meeting Minutes.

APPROVED

Per Capita Jail Fee Agreement: A resolution to approve the Per Capita Jail Fee Agreement with Washington County for jail services in 2023 in the amount of \$76,421.40.

Resolution 238-22 as recorded in the office of the City Clerk

Federal and State Law Enforcement Forfeitures Revenue: A resolution to approve a budget adjustment in the amount of \$197,483.00 recognizing revenue associated with federal and state law enforcement forfeitures.

Resolution 239-22 as recorded in the office of the City Clerk

2022 Bulletproof Vest Partnership Grant Award: A resolution to authorize acceptance of a matching grant award from the 2022 Bulletproof Vest Partnership Program in the amount of \$19,184.00 for the replacement of body armor vests and outfitting new officers, and to approve a budget adjustment.

Resolution 240-22 as recorded in the office of the City Clerk

2023 Selective Traffic Enforcement Program Grant: A resolution to authorize acceptance of a 2023 Selective Traffic Enforcement Program Grant in the amount of \$143,000.00, and to approve a budget adjustment.

Resolution 241-22 as recorded in the office of the City Clerk

1010 South Hollywood Avenue Revenue: A resolution to approve a budget adjustment in the amount of \$79,149.00 recognizing revenue associated with the sale of city owned property located at 1010 South Hollywood Avenue.

Resolution 242-22 as recorded in the office of the City Clerk

G & W Diesel/EVS Fire Apparatus: A resolution to approve the purchase of a new rescue fire apparatus from G & W Diesel/EVS in the amount of \$1,300,000.00 plus any applicable sales tax and delivery charges, pursuant to a Houston-Galveston Area Council cooperative purchasing contract, for use by the Fayetteville Fire Department, and to approve a budget adjustment - Firefighting Facilities Improvements Bond Project.

Resolution 243-22 as recorded in the office of the City Clerk

Northwest Arkansas Razorback Greenway Operations and Management Plan Update: A resolution to approve an updated Northwest Arkansas Razorback Greenway Operations and Management Plan for the sections of the Razorback Regional Greenway within the City of Fayetteville.

Resolution 244-22 as recorded in the office of the City Clerk

Stribling Equipment: A resolution to waive competitive bidding and authorize the purchase of inspection and repair services from Stribling Equipment to inspect and repair various equipment as needed through the end of 2022 and within the approved budget.

Resolution 245-22 as recorded in the office of the City Clerk

J&R Equipment: A resolution to waive competitive bidding and authorize the purchase of original equipment manufacturer parts from J&R Equipment in the amount of \$41,945.59 for the repair of accident damage to a refuse truck.

Resolution 246-22 as recorded in the office of the City Clerk

Miller Boskus Lack Architects, P.A Amendment 1 Agreement: A resolution to approve amendment 1 to the Professional Architectural Services Agreement with Miller Boskus Lack Architects, P.A in the amount of \$439,290.00 for architectural services associated with the replacement of Fire Station No. 2, and to approve a budget adjustment - Firefighting Facilities Improvements Bond Project.

Resolution 247-22 as recorded in the office of the City Clerk

2023 Proportional Share Agreement for Judges: A resolution to approve the 2023 Proportional Share Agreement with Washington County and cities in Washington County to pay Fayetteville's

statutorily required share of our State District Judges' base salaries, and to authorize the Mayor to sign future agreements as long as the amount allocated to Fayetteville remains the same.

Resolution 248-22 as recorded in the office of the City Clerk

Council Member Bunch moved to accept the Consent Agenda as read. Council Member Jones seconded the motion. Upon roll call the motion passed unanimously.

Unfinished Business:

Amend §118.01 Applicability, §151.01 Definitions and §163.18 Short-Term Rentals: An ordinance to amend §118.01 **Applicability** of the *Fayetteville City Code*, and § 151.01 **Definitions** and §163.18 **Short-Term Rentals** of the *Unified Development Code* to remove the conditional use permit requirement for Type 2 Short-Term Rentals, and to repeal the sunset provision. *At the October 4, 2022 City Council Meeting, this ordinance was left on the first reading.*

Council Member Bunch moved to suspend the rules and go to the second reading. Council Member Turk seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Britin Bostick, Long Range Planning/Special Projects Manager gave a brief description of her reasoning for considering this item. She stated there is a sunset in the current provision so this item would automatically repeal on December 20th, 2022. She explained that if the Council wanted to continue or make amendments to this ordinance without including an emergency clause, they would need to do so by the November 15th, 2022 City Council Meeting. She briefly spoke about the key points on the Memo staff provided for the Council Members. She answered a question from the Council that was asked at Agenda Session on whether or not an affidavit would be a piece of this, she answered that there are a lot of cities across the country that use an affidavit when an application is submitted for a business license or an approval for a Short-Term Rental, those affidavits tend to be focused on acknowledging policies and rules. She explained that Jersey City, New Jersey included a section to confirm Code Compliance and whether or not there had been any dangerous conditions or violations issued. She stated that in reviewing several dozen cities and what they do, New Jersey stood out as a different approach to an affidavit requirement. She continued on to describe the Staff Memo.

The City Council received three public comments regarding this ordinance.

Council Member Kinion: I would like to leave this on the Second Reading. I've got a lot of conversation with a lot of the neighborhoods regarding this. Most of the neighborhoods want to keep the conditional use, as was mentioned tonight. We need to take more time at looking at the administrative burden and how that would be covered, as we move forward, regardless of what we do. We have a lot of work to do in managing the Short-Term Rentals across this city. We need to look into the density, not city wide, but by some other method. That's going to take some time to figure out, I don't have the answer. I know that is a concern. If the total number in the City was

concentrated in one neighborhood then it would take out a neighborhood easily. If you look at the map, there are concentrations of Short-Term Rentals in neighborhoods based on the availability of property that was purchased as well as the location. I'm glad we are talking about this; we knew it was going to occur as we looked at the sunset clause expiring. I hope we can keep this on the Second Reading until there is more input and modification of the activity as we move forward by some type of ordinance improvement.

Council Member Turk: I agree, I hope we hold it on the Second Reading tonight. I'm interested in seeing how we can find out more about these 300 Short-Term Rentals that are operating without a license. If that requires hiring a third party to come and do that kind of investigation and relieving some of the burden from the staff, I think that would be money well spent. I'm in favor of that and increasing the penalties. My understanding is that we only have the option of going to the City Prosecutor. I don't believe that is a realistic way to deal with it and it's overly burdensome on the prosecutor. There are other tools we can investigate that would be much more effective and have less overhead such as; if you are in violation and have been notified that you are operating illegally, you won't be able to get a license for six months. That would send a strong message that we are serious. I'm interested in staff looking into those kinds of mechanisms that are easier to manage and much more effective. The limits in neighborhoods; how challenging would that be in terms of GIS? Can we really identify those neighborhoods effectively and combine the neighborhood with the zoning type too? Maybe not every neighborhood needs to have the same kind of cap because their zoning type might be different, or it could be similar. A lot more exploration is needed. Having 300 out of compliance, that is a considerable amount of revenue being lost. I also asked about maybe how much staff time is being used to manage the Short-Term Rentals because if we're generating this much revenue, but staff time is taking so much more than that to manage, we should know that. That's a money losing investment in our city. I have more questions and need more information before I can support moving forward in any meaningful way.

Council Member Scroggin: I'm good with holding this, we need to look at it more. Neighborhoods still need to have a say so I can't remove this. I'm a little apprehensive on neighborhood and street caps. I don't like it when we have government controlled monopolies where we say that, 'Well you're the first three so you get it forever.' If we have too many then maybe we need to raise fees or something of that nature to make sure it's balanced, but not something to say, 'Hey well they got it first, so they get it forever.' That's always been an issue when we see the government protecting monopolies for certain people that already have it, so I'm a little apprehensive on that. But, absolutely, neighborhoods still need a way to say if these are working or not.

Council Member Hertzberg: I would like to hold this. I agree with Council Member Scroggin on the density cap for a neighborhood. I know I was one of the ones that discussed that in the beginning but after further thought, that might be a little too much control for us. The Conditional Use Permit might be the way to do that. We should keep it the way it is because then each neighborhood could be looked at as a case by case scenario. We can then make decisions based on neighborhood input. I don't think we should let the sunset clause expire, we have done a lot of work on this ordinance and it's close. We need to keep tweaking it. Maybe we could push the sunset clause back a little while we work on it more. As of right now, either update the sunset clause or solidify this ordinance and keep Conditional Use Permit.

Council Member Wiederkehr: I would be interested in extending the sunset clause versus making this a rule that had no sunset. It would be hard to remove from the books if we decided things were not working for our residents if we made it permanent and perpetual. I like the idea of extending. I'm interested in the discussion about limiting this to 1% of single family homes versus 2%. As far as fees, people have said the city is making money on this; yes, there is some tax revenue coming in. But the fees should be commensurate with the cost of reviewing, holding public hearings, inspecting and enforcing. There should be a cost worn by the applicants who want to offer their property as a Short-Term Rental that the rest of the community should not be bearing. I would like to see an analysis of what an appropriate fee would be to apply.

Council Member Hertzberg mentioned proposing this noncompliance issue to the University to see if a student would be interested in researching all of the addresses for the noncompliant Airbnb's and cross-referencing those with businesses licenses.

This ordinance was left on the Second Reading.

New Business:

Reindl Properties, Inc.: A resolution to authorize Mayor Jordan to sign a Letter of Intent defining development agreement terms with Reindl Properties, Inc. for a Public Private Partnership for construction of the mixed-use building planned to provide ground floor active uses for the Ramble Civic Plaza on the southern end of the site.

Wade Abernathy, Bond Projects & Construction Manager gave a brief description of the Letter of Intent received. He stated that Vicki Bronson, with Conner & Winters, LLP, is available for questions relating to the specifics of the Letter of Intent. He noted that Rob Sharp, representing Reindl Properties, Inc., was present and will discuss the steps moving forward in a presentation. He stated Nathan Foley, with Nelson Byrd Woltz, is available via zoom for questions regarding the design.

Devin Howland, Director of Economic Vitality spoke briefly on the economic impacts of the project and made a few notes on the site that he wanted the Council to be aware of. He stated staff estimate this project will bring in roughly \$940,000 in direct economic benefits. He believes this is the ideal place to put a hotel and it would further the goal of making Dickson Street more diversified. He noted he is available to answer questions.

Rob Sharp, Applicant gave a brief slide show presentation and spoke of the idea behind this project. He noted John Teeter, President, and Scott Stokenbury, Vice President of C.R. Crawford were in attendance and available for questions. He noted that Kelly Ross, Jay Alexander and Laurens Nicholson representing Windsor Aughtry were available via zoom for questions regarding the hotel business. He stated the net income for the city from this project would be \$86,000 more a year, which is a 4.3% jump in revenue.

Council Member Hertzberg: How do you plan to address the overflow parking of those 30% that opt out of valet?

Rob Sharp: The 30% that show up and don't valet are going to find a parking space like everybody else. They will park at the Church of Christ lot or they're going to go to the Spring Street Deck and pay or the new parking deck.

Council Member Turk: You're not calculating where the staff of the hotel will park and how they will get transportation there?

Rob Sharp: Great point. One of the key parking strategies is that staff/employee parking will be offsite. It's not beneficial if we let the staff employees park right at the foot of the hotel.

Council Member Turk: I didn't see that accounted for in any of your calculations and it would be helpful to have a map of exactly where the parking that's not being used right now and distances from that. We're still a culture of the south and people like to park close by, so that'll be a shift.

Rob Sharp: I can speak to that in terms of we're not expecting people to park four or five blocks away and walk. They're going to go to the hotel, and we'll valet. The spaces that aren't being used on evenings and weekends such as the lot on Mountain Street where City Employees park with about 100 spaces and it's gated and lit, it's something that on Friday, Saturday, Sunday and in the evenings it's not used at all. That's a place that could be valeted to. We've also talked about the Town Center Deck that is underutilized on the weekend and when the Police Station moves that will free up spaces on the deck and the parking lot on Rock Street. There's quite a bit and it's almost invisible, you don't think of it because no one ever uses it if you don't work at the City. Those are the places where in the hot times we're going to be valeting to.

Council Member Turk: Having that represented visually would be very helpful.

Susan Norton, Chief of Staff: I would like to add that our Parking System Manager, Justin Clay, is here for further parking discussion questions. We can easily provide that map for you.

Council Member Scroggin: Have you had any conversations with the University of Arkansas? The largest parking deck in Arkansas is within walking distance of where this could be and on the weekends it is never full.

Rob Sharp: We had a good meeting with the University of Arkansas. We talked in general terms about whether they were going to build a hotel, parking and the benefit to them of having a place when they have guests. Parking for them is a third rail just as it is with us, so they didn't want to talk about any parking sharing. I agree it's there but it's not on the table.

Council Member Wiederkehr: Do you intend to have a Banquet Hall? If so, what is its capacity for people to come and be let out at the same time?

Rob Sharp: I would like to get Windsor Aughtry to talk about the Banquet Hall if they are available on zoom.

Jay Alexander, Windsor Aughtry Representative: What in particular on the question of event space?

Council Member Wiederkehr: I'm curious about a Banquet Hall use traditional to hotels, what you envision that occupancy load being and if you're going to have any kind of an employee count estimate? Will you have any conference capacities and what are you anticipating in occupancy loads for a hotel?

Jay Alexander: A lot of that will depend on the life safety, exits, size and the market. In a lot of ways, it is to be determined as to what the size will be. It will be a combination of event space that could be changed in terms of the size with partitions so there could be a larger banquet space and a smaller meeting space within the same area.

Rob Sharp: That falls into the category of things that if we could get a green light and general agreement moving forward, we can work on the details and find out how many occupants and events the Banquet Hall will support. We've gone through a lot of detail but we're bumping up against the level of detail we can provide without getting a greenlight forward. By the time we present this for Planned Zoning District, we'll have it down to the square foot and number of occupants worked out.

Council Member Wiederkehr: The original proposal is seven stories and a 170 something room hotel, now you're down to 130. Do you envision it being six stories? Are you anticipating additional office or is that going to be event space?

Rob Sharp: In order to make this project work, our commitment is to keep it at seven stories because that is what the zoning is by right. It's a good scale for that site. 134 hotel rooms are what our market studies are pointing us to. Any extra space, and whatever we need to do to fill that building to generate the income to make this successful, is what we're going to do. Should we get the greenlight from the Council, we can go forward and be very specific about what that would be.

Council Member Kinion: When we look at this we look at the projected operations, the projected uses and the projected numbers. I'm thinking about the history and the cycle we've had with the Hilton Hotel and how that was exciting when it opened, but it has certainly come and gone. The difference there is it's in an area that is not a park. It's not a central anchor of an area. This is an anchor of a public space, so it needs to, in my mind since it's initiated by Public Funds with a bond issue, make sure that we have some type of commitment to the community as a whole and as a public facility. I'm familiar with what started as the Excelsior Hotel, I've stayed there for years for business. The valet parking you mentioned is not convenient and it's not always the ideal situation, although their valet parking is right across the way. It's not out of the hotspot, whatever that is. I don't think that's a good way to compare it because if you're moving these cars out of the hotspot, that's pretty far away. Where is that?

Rob Sharp: If this item should get tabled tonight, we would take that time to provide some of those graphics that show where it is.

Council Member Kinion explained that when he travels, he doesn't want to wait to get his car from the valet because he likes to come and go easily. He briefly spoke of his own personal experiences regarding events and parking. He stated it is important we accommodate the Region because it is the biggest part of money that's coming in for the Entertainment District and they

would expect parking. He stated that in the Arts Center area, TheatreSquared is down 40%, but believes they will build back up. He stated in order to do that, they would have to look at the demographics of people that are older who have money to spend going out for dinner and they have to accommodate for their automobiles since we don't have public transportation. He suggested that they hold off on the item so they could receive better feedback.

Rob Sharp stated they have made several presentations to the Cultural Arts Corridor Steering Committee, Fayetteville Arts Council, Walton Arts Center Board and have also given information to the media.

Council Member Kinion: I hope there is a feeling that this is an item that fits into what residents voted for because it is public money that put all of this together. We have to get across a point because we voted for this and its public funds, how does it really impact me as a taxpayer that is financing the bonds?

Rob Sharp: I should have emphasized this when I talked about parking, my client is making a 50 million dollar bet that the parking is going to work. If the parking doesn't work, and if his consultants are wrong and he gets it wrong, he's going to suffer more than anyone in this room. It's a quantum leap forward and there's going to be some scary parts. We've taken it as far as we can, and I look forward to taking it to the finish line. We need a lot more input on it.

Council Member Kinion: This is the heart of Ward 2, so I have interest in representing the voice of that area. I'm not trying to be tough and pessimistic, it's just a lot to think about.

Rob Sharp: I always appreciate caution in an Elected Official.

Council Member Bunch stated she does not share Council Member Kinion's fear of valet parking because she likes to stay at a hotel and walk to everything. She recognizes the hot spot of parking can change over time as things develop and in the future there may be greater demands on parking. She is in favor of holding the item in order to receive more information.

Council Member Jones: Mayor Jordan, is there are time that we need to make a decision?

Mayor Jordan: No, I don't think there's a time. You make a decision when you get ready to.

Council Member Jones: I wasn't sure if there was a deadline because I do echo what Council Member Kinion said, I think we should wait. I've had conversations this past Saturday with some business owners and they had some concerns.

Susan Norton: We have plenty of time to do what you all are suggesting and have more interaction with the community. The time constraint would be with when we would like to have the issue resolved so we can get on with the final design of the construction documents for the plaza, and that was what Wade tried to point out in his earlier questions. Those I believe were due in January, so we hope to have this resolved before the end of the year.

Mayor Jordan: Everything is setting up on a time and every time we delay a project, you all have been through some of the projects we have delayed, it costs more per year. Wade, what do you think in regard to a decision to be made?

Wade Abernathy: If we're working to get the construction drawings to be complete so we can bid in January, so obviously there's some coordination, what we're trying to do is once we get approved to move forward we've got some refinement to do with the landscape architects around the building footprint. If we can get something in November that would be good.

Council Member Bunch: Does everybody think maybe two weeks? Mr. Sharp, two weeks for our next meeting that you could get the information?

Rob Sharp: I'd like to hear all the public comment we have this evening because some things may come up that we can answer immediately, or it may take longer than two weeks.

Council Member Turk: When the public voted on this, they voted on a South building. They did not vote on a hotel. I'm surprised we have to have construction designs on something the public did not necessarily vote on before we move forward. I'm feeling rushed about this even though you've pointed out all the steps you've done to get to where we are here. But this is a second very large project in the Corridor that, again, the public probably did not anticipate happening. If you could explain a little bit more that would be helpful to us.

Wade Abernathy: Some of the coordination is with the stage and the backstage area that is a part of the Corridor and how that would back up to the building footprint that Mr. Sharp is working on. We need elevations and the actual layout of the building to coordinate that.

Council Member Turk: Is there any intermediate way you could do that without getting approval by November?

Wade Abernathy: It's like the Mayor says, we're going to build a plaza regardless. If we have to go from the back to the front to work that in, ideally, we would have the information up front.

City Attorney Kit Williams: Wade, do you know when the deck is supposed to be fully operational?

Wade Abernathy: We hope to have it substantially complete in the Spring of 2024.

City Attorney Kit Williams: When is it going to be operational? That's a requirement before you start taking away any other spaces; it has to be operational. Ted Belden said August, is that wrong?

Wade Abernathy: Substantially complete means you can use it for its intended use.

City Attorney Kit Williams: When Ted Belden said it wouldn't be finished until August, that's incorrect?

Susan Norton: I don't know why Ted Belden would understand the construction.

City Attorney Kit Williams: He sent a letter.

Wade Abernathy: Yeah, I don't agree with that.

Council Member Bunch spoke briefly of the bond initiative and how it covered a broad idea of the Arts Corridor and how there have been discussions about this type of use for the space.

Susan Norton explained there have been numerous members of staff participating in the project and they are available for questions as well.

Council Member Bunch: Should we start with that now or should we go into public comment?

Mayor Jordan: That is up to you. I will tell you; I showed a building on the South End and I showed a building on the North End 18 times because I can remember when I campaigned for the Bond Project. We did not define what they were, I just said there will be a large building on the South End and a building on the North End. I want to clarify that I did not specify that we are going to put a hotel down here, but everybody knew going into that the design that we had got all kinds of public comment on, I showed that particular design and did not define what those buildings were.

Susan Norton: Mayor, you were also consistent with your message about active use and cash registers ringing.

Mayor Jordan: Yes, I was to the point on that. We have to have tax pace to operate this city. I have to admit, I'm watching two brand new hotels go up in the city to the North of us and that causes concern because we're all competing for the same tax dollars in the Region. I'm not saying that didn't cross my mind. Let's take some public comment.

On October 31, 2022 the Office of the City Clerk Treasurer received a request from the City Attorney's office for all public comment to be transcribed for item C.1, Reindl Properties, Inc.

Richard Gathright, 21 E. Center Street: I'm a Downtown resident, local realtor and I'm also the Director of Northwest Arkansas Pride, which in that capacity I'm here tonight. We've been having conversations about the upper Ramble for awhile now with City Staff and other folks. We are very excited about it, it gives us the opportunity to have infrastructure, facilities that we don't have access to now and a beautiful space to host Northwest Arkansas Pride. When I took over in 2018, we had 15,000 attendees and this past summer we have grown to over 30,000 attendees. I believe we are the largest festival in Fayetteville aside from Razorback weekends. The main reasons this hotel is a good idea, and I would encourage you all to vote for this Letter of Intent, is because it creates more hotel rooms in the Downtown area, especially right on the Ramble. That gives our festival goers a really exciting place to stay that can be right at the festival, view the parade, participate in bars, restaurants, shops and other activities in Fayetteville. The second reason is, at some point, we're going to start running into issues with dressing rooms and green rooms. Right now, we're using the Walton Arts Center, but there are times where they have shows loading in and out and that does not give us access to the back of the house facilities that we need for our entertainers and VIP's we bring in for Pride. This hotel would give us hotel rooms where they

could shower, stay, use the bathroom, and meeting spaces that could be turned into green rooms so they're not having to sit outside in 100 degree weather under a tent before they go on stage. The third is that it also gives us additional bathrooms, which is always something that is necessary to have a festival of this size. The right people are involved in this; Rob and Brian are great leads to facilitate this and Northwest Arkansas Equality and Northwest Arkansas Pride are very impressed with the conceptual photos and other things we have seen over the past year or so. I definitely have questions about the parking and all of that, but that can be sorted out and I would love to see this project go forward and not get delayed any more than is necessary. I want to thank you all for having me tonight and please think about voting yes for this Letter of Intent.

Ben Clark, Owner of B-Unlimited: When I saw this was on the docket, I wanted to jump at the opportunity. We bring in lots of people; customers and vendors from all over the world. They fly in and we pick them up from the airport, set them up at the hotel, usually the Graduate as of now, but a lot of times it's booked up and we're not able to get it for the amount of rooms we need. This is very appealing to us, as a business, to be able to host people in Downtown Fayetteville where they could go out and we could gather at the local bars and restaurants when we bring them to show our beautiful City off. I think it's a slam dunk. I know Brian Reindl and Rob Sharp, those guys and everything I've seen them do have just been incredible, all the way up and down Dickson Street, Block Street and on the Square. They're the right team and they've got a good group together. Crawford has obviously been around for a while in Fayetteville, it's a Fayetteville company, they will do a great job orchestrating this and working with the City with a big development like we're doing right now with B-Unlimited on the southside. I just wanted to let everybody know that B-Unlimited votes yes and I know how these projects can linger on, I hope that we don't lose it because right now we're having to send people up north and we don't like that. We want to keep people close to our business and our headquarters and we want to show off Dickson and Block Street and what Fayetteville has to offer down there. It's very cool and unique compared to all the other cities that I get to travel to. The other thing is, with valet parking, I travel quite a bit and I stay at a lot of boutique hotels similar to this one. With the technology now, you send your car tag number down on a text thread and they'll tell you exactly when it's ready so you can do that ahead of time and know your car is there and ready to be picked up when you come down to the hotel lobby. I don't think that's going to be any kind of issue. Knowing Brian Reindl and knowing this group, those are things that will get ironed out for sure. I appreciate your time and I wanted to let you all know that B-Unlimited and myself are for this hotel being built there.

Jerry Davis, General Manager for 21st Amendment: I wanted to give our opinion on this, we are 100% for the hotel. I remember being in a meeting with Mayor Jordan, probably about two years ago I don't exactly know when it was, but when he was asked about the Cultural Arts Corridor as a whole he used the words world class and that has always stuck with me. Just hearing that word, I was like, man this is actually going to be an amazing thing that's getting brought to Downtown Fayetteville. Everything that's happened thus far has been nothing short of world class. It's been amazing to see all the construction on everything and see how Downtown Fayetteville has changed as far as I've been on Dickson Street, for the past ten years. Everyone has done a great job with that. I will say, this hotel is going to be nothing short of that world class as well. This is exactly what we need. My only reservation is the parking. I'm a believer in the valet, I do believe it will work, but the people that will be coming to Fayetteville are smarter than what this valet is going to provide. Where are these cars going to go when they get valet? Timing is everything and I think

that Council Member Kinion hit that nail on the head pretty well. People are impatient and ready to get their cars now. I know myself personally, if I was staying Downtown in Fayetteville, I think for the first year or so this is probably going to work. About three or four years down the road, if we just look ahead, people are going to get smart and they're going to understand that valet is going to cost them \$20 to \$30 per night. I don't know the exact numbers, but when you can just go and park your vehicle in the parking deck or in the Spring Street parking lot or anywhere on Dickson Street and pay five dollars for a day; I would much rather do that than valet. It's convenient, but it's nothing for me to just walk down the street. The City of Fayetteville has made it a little more convenient because all you have to do is put in your tag number on a app and pay the money. You don't even have to go to a pay station anymore, you can just do that and pay that \$5 and you're there all day. I think those numbers are slightly skewed, maybe that's what it will be now, but if we're looking ahead it's going to change and it may not be efficient for the hotel, but my understanding is that you guys are going to be building parking spaces for it right now. Why can't we just go ahead and double that and maybe do two levels of a parking deck to be able to fulfill most of those parking needs and not dump the rest of that onto Dickson Street, because I have a feeling that is what is going to ultimately end up happening when it comes to this parking. But, like I said, we're 100% for this hotel. We need this hotel, it's going to be world class, completely change the dynamic of Dickson Street and Downtown Fayetteville. We should probably table this. I'm not against it, but there are some questions that need to be answered when it comes to the parking to maybe get everyone on the same page so we can just get this thing figured out as quickly and efficiently as possible. I appreciate everyone's time and hope you guys have a wonderful night.

Mayor Jordan: Jerry, from what I understand, you think we should just go ahead and double the parking deck we're doing now?

Jerry Davis: I'm sorry Mayor, I think the hotel should double the parking more than what they are currently providing.

Mayor Jordan: Okay, I misunderstood you. I thought the one that I'm building now.

Anita Cowen, 1661 Wyman Road: I've lived and worked in Fayetteville my entire life. I'm proud to say I've ridden every trail in Fayetteville and I'm very active in our community. I currently work at the Community Creative Center, which is in the Walton Arts Center Nadine Baum Studios. The space directly behind the proposed hotel and, no, we have not been contacted about the impact this hotel would cause. For the last 25 years, I worked at local radio stations doing promotions and events. I've attended committee meetings with the City of Fayetteville Nonprofits Emergence Association to help plan and promote events. I've also created many events myself. I've been a part of Fayetteville for a very long time. I'm here today because somehow a park that was planned is now being offered up to development for a for-profit hotel, a space with a 360 view to the public. Several events I've created were held in local hotels, so I've spent an exuberant amount of time in the back of a hotel setting up for events. Hotels aren't like monopoly pieces in a space, they require necessary but very ugly spaces. They have shipping docks, trash dumpsters, air conditioning units, grease traps- non that I saw in the plan today. All that our beautiful trail system will be wrapped around. Have you ever spent any time in the back of a hotel? I challenge the City Council and the City Officials to spend quality time behind a 150 room hotel and see if that's where you want the

Lower Ramble to see when riding up to the Dickson Street along the beautiful Arts Corridor. This seven story hotel will be a divider instead of a uniter. It will block several businesses from Downtown and cause congestion and delay. The Community Creative Center circle drive is directly behind the proposed hotel, it will be full of Uber and Lyft drivers waiting for people to depart from the hotel, or drivers needing to make deliveries while the Community Creative Center is trying to load and unload children for summer camp. The City of Fayetteville has already gambled with a developer when they allowed one to tear down the historic Mountain Inn with a promise of rebuilding it and it didn't happen. We already have the perfect place for a hotel; have them rebuild the needed anchor to our square in the Mountain Inn space, connect the Entertainment District with a free trolley that unites the square, Dickson Street and the surrounding areas. When I asked City Officials, how did we get here from one day approving a park and then one entity being given the jewel of Fayetteville's real estate to develop a hotel? I've been told several times it was because only one person submitted plans. That makes me question the application process when one of top five places in the United States offers developers this opportunity and only receive one application. Was the process flawed? I don't know. This hotel will not add to the state, it will divide and not be united. The purpose for this hotel is so people can stay where they want to be, but will they still want to be there when we take away the beauty that makes the City unique? We can accomplish this if we put the hotel in the Mountain Inn space and continue to build the park promised to the residents of Fayetteville and connect the Districts through free trolleys and transportation. My big worry is that we were talking about size and that hasn't been outlined. Your maps did not show shipping, loading, unloading, trash dumpsters and all of these things necessary to have a hotel. It just showed a picturesque thing in the corner. I've seen the hotels; they don't just look like that. I'm worried we don't have a size and the green space is going to turn out to be just a front yard to a hotel in which people are afraid to play in. It won't be what you dreamed, it'll be a large hotel with a large event space, but not large enough to be useful in the event world. It will cause a lot of problems that we haven't looked at. Again, no one has asked what it would do to the Visual Arts Studio at the beginning of the Arts Corridor. Thank you.

Mark Scalise, 3268 Hearthstone Drive: I was shocked when I opened the paper on Sunday and I saw a hotel in that space. I'm going to be honest, I'm not up here to hear myself talk but I am going to absolutely echo what Council Member Turk had to say, as just a person in the community I did not anticipate when we were talking about Arts Corridor having a hotel. Echoing what Council Member Kinion said, I travel a lot and stay in a lot of hotels. The parking issue is big. Everybody wants to sweep it under the rug and say oh we'll figure it out somehow it'll all be okay, it won't be okay unless you have a plan. Having some kid going blocks to find your car is not the answer, I promise you. Also, this young lady just had to say, I think she made some good points that should be considered. It is not just a beautiful building, there's a lot more that goes into a hotel, which she said; the docks, the trash and everything else. It's going to take up a big part of that parking lot and it is going to turn into a hotel with a front yard I'm afraid. I was just surprised, and I wanted to let you know that. That's all I wanted to say. Thank you.

Justin Tennant, former City Council Member: Good evening Mayor and members of the Council. It is always a pleasure to see you and talk to you, I thank you for the opportunity and when I see each one of you I thank you for your service. The City Staff and you put in amazing time and it should be thanked so thank you on behalf of myself. I come to you speaking on this from my perspective as a Fayetteville citizen, also a member of the Walton Arts Center Board and a former

member of the Council. I used to memorize a lot of stuff, but years have gone by and now I've got notes. I want to say first and foremost, I'm not against a hotel. A well planned and well thought out with parking as one of those key stone items would be great for the Downtown area. I remember back when we campaigned for this and we talked about different uses for the building and we talked about multi-use, low cost housing possibilities, condos with retail and we talked about a lot of things. I never campaigned that this could possibly be a hotel. I know things change but had I gone to somebody then and said, I want you to vote because we're going to ask the taxpayers to build a park, and then we're going to sell a slice of it to be a public private partnership and build a hotel with no real plan for the additional parking that would be needed, I wouldn't have wanted to have that conversation. That changes everything. I'm worried about the 200 or so cars that this hotel will bring on any given night. Mr. Sharp used a conservative estimate, I think he said 66 using his percentages. My worry is what if it's a game week and two couples share a room, that's two cars. What if there's something going on at an event as you said that has nothing to do with the hotel it's extra parking. Those are difficult things to deal with and I was in Memphis recently and stayed at a hotel off Bill Street that is valet parking and I purposefully asked the valet at the end of my stay when I got my car back, where do you valet park these cars and he told me. I drove to that spot and then measured, non-scientifically, the time and mileage it took me to get there. Then I came back, started at where this hotel might go, and I drove to places like the Town Center. I drove to some of the only open spaces that could even possibly be used for valet parking. I promise you it's farther and it's up a big hill no matter how you go. That's a real problem and Mr. Sharp said something great, he said we can go back and show you details if you decide to table it and I hope that happens tonight. I would like to know things like the distance of where that valet is going to be and unless they hire the University of Arkansas Cross Country team I'm not sure who can get a car back and forth in any amount of time and I say that literally because I wouldn't want to do it. We did have a Parking Study before when I was on the Council, it addressed parking in a broad range using a large map. There's a Parking Study being done now by the Walton Arts Center and business owners and that will give us a much better realistic needing parking Downtown and what it will mean for projects like this. Again, I'm not against any hotel or any developer, I'm not against any of that. It has to be well thought out. I would ask that you as a Council wait till that study is completed at the very least, certainly wait for these details to come back that Mr. Sharp has promised. He said his investor has \$50 million dollars at stake, I would say that the public has a lot at stake as well because there's a lot of confusion on why now we have seemingly transformed this from some of the artistic space we were talking about and some of the things that were in those original plans are now being talked about for a for-profit hotel. Not against it, but it definitely warrants time and more conversation. There's a lot at stake and this is really our only chance to do it. Thank you all very much for your time.

Bo Counts, Owner of Pinpoint: I wasn't going to talk about parking I promise, but after tonight's meeting, because I've been in many of these meetings and we've all been in many of these meetings where we just shake our head and it's like, oh can we not talk about parking. We did Parking Studies that say we don't have a parking problem, we have a walkability problem, so let's build these trails and encourage people to walk because that's what makes a vibrant Downtown is walking. Now I'm sitting in a meeting that's all about parking and lack of parking and as a business owner who has employees that we've begged for employee parking, it's miraculously become an important topic in this meeting and not other meetings. For years Dickson Street business owners have gone, where do our employees park? Well I don't know, figure it out. There's employee

parking nine miles that way. That's where we did it. It's been fascinating tonight seeing that now this is a big important topic; that's not what I want to talk about. I just want to identify how odd that was. What I did want to talk about today is as a tenant of Brian Reindl's, we've been like any tenant and resident, we've butted heads a lot. I have faith that Brian has passion for this community. The work that he's done with that Metro District, remember when it was Experience Denim in an old train station, and he transformed that place that has been vibrant ever since. My building, which was literally condemned, instead of bulldozing it is now a vibrant place home to ten local businesses. We have a relationship. Rob Sharp walks down Block Street every day, his office is there. He has a vested interest in the success of this Downtown. Another thing that I wanted to mention is just the existence of a hotel. Everybody says we need more places to live that's why Airbnb is such a big deal down in our Ward. Airbnb is a huge problem in our Ward and not to go off in another rabbit hole, but it was talked about today, we have a two percent cap. We talk about how two percent is a negligible number spread out over the City. Well, we just saw two percent of parking, somehow not negligible when it's this issue. When you drill down two percent in one tiny area, it does become an issue. A two percent cap of Airbnbs on an entire city when it's all in the Entertainment District creates a housing desert. You think okay, well where are all these people going to stay? Well, the need is there so they're taking away workforce housing to turn into Airbnbs. If we put another 134 units where people can come and stay in luxury and not have to pay fees for doing laundry and take out trash and it's a lot more convenient then we've also decreased the need for housing to be taken away from workforce renters to be turned into Short-Term Rentals. That's something that I don't think anyone's really discussed that other larger cities do take into consideration, is a hotel provides places for these tourists to come. I have a business across the street from the Graduate, it's booked up all the time and those customers walk right across the street and they patron our businesses. They have a tiny little parking deck behind there, but everybody seems to make it work. So many people come in from out of town, where do all the sports people stay? They stay there. The movie star that just came into my bar the other day stayed at the Chancellor. It's full, always full. This is going to be a net positive, sure there's going to be headaches along the way, and we do need to have that planned. If you guys know me you know I like a good plan. But, we did open Pandoras Box with the Arts Corridor, with public and private partnerships which I was there at the initial City Meeting, which I actually brought pizza I don't know if you guys remember that, but we talked about what's going to happen in these public private spaces. Well, we didn't know then and now there's stuff starting to happen and just because it's a little bit different and uncomfortable, I don't think we should immediately put it to the side because it's a growing pain that we weren't ready for. We weren't ready for an Arts Corridor either and it's coming, and we voted for it, we're spending money on it and the uncomfortable elements that we have from this are going to not even remotely outweigh the net positives for our Downtown. As a member of this Downtown, I support it. Thank you.

Jeff Coney, prior Campaign Chair: Hello Mayor and City Council. Mayor and I worked together on this Bond issue, I was Campaign Chair and I put Mayor Jordan to work for quite a few days. We're happy that we did pass it because it has created a lot of opportunity, we see it happening all over Fayetteville. This was issued as Question 8 on the Ballot and my concern, first of all I want to say I kind of parallel what Justin just said, my concern is that we did not tell the voters this was going to be a hotel. We can make the argument that it was left open and there were all kinds of discussions during that time, all kinds of representations on what it might be. Lucky for us, the voters went and voted for it without having that firmed up and of course here we are today firming

it up. I got to say that the City did attempt to show some possibilities in their renderings and those renderings were used throughout the Campaign. There was some discussion of how many stories and what it could be during those Campaign days. But, there is also overwhelming concern that two hotels come online at the same time down in that area, will they survive? The City is in talks with Belvin in house and that has not been concluded. Did we really want to take this on at the same time given the history of what happened in Downtown Fayetteville on the failed hotel project down there? I'm not trying to cast any stones at anybody, but there needs to be a tremendous amount of consideration before we enter into any agreement. If you would like to see, I've got copies of what the City posted up on its own website that Question 8 was. There is no mention of any building nor a hotel.

Mayor Jordan: But there was in the renderings.

Jeff Coney: Pardon?

Mayor Jordan: There was in the renderings that we showed. But we did call it a hotel.

Jeff Coney: I do acknowledge that. Mr. Scalise indicated that he probably would have had some difficulty supporting it had we told people we were going to be building a hotel, so there's always the question of did we operate in good faith with the voters. Thank you, Mayor Jordan and Council.

Ted Belden, 504 East Lafayette: My name was mentioned about a letter that I wrote to you all or a memo about the date of the parking deck being completed. We need to just verify that with Nabholz, they're our contractor. I've been attending biweekly meetings with the contractor and I thought I was at a meeting that said it was going to be completed in July but that had no weather delays and we're getting ready to have some bad weather like today. We're going to have some bad weather days for the construction, and I think it's going to be about August, but we can verify that with Nabholz for sure. We've all spent much time and money on this project we are calling the Cultural Arts Corridor. We are close to making the final decision on what we will do with the south end of the Ramble. We are not in agreement on what is the best solution, there's no doubt about that in my mind. The City has previously said I don't believe we can begin construction until August of next year when the parking deck will be completed. I'm fortunate to be involved in that project with Greg House and Mayor, when we built that the word catalyst, which I think is a great word to be utilized for future development, we wouldn't have built that parking deck if we didn't have the option to buy the Bank of Fayetteville parcel on the corner of Dickson and West. We do have that option and we are in the process of exercising that option right now. We do have a Letter of Intent with a hotel developer that we want to pursue, he does not want to be named but we are in the process of due diligence with a hotel developer for that site on Dickson and West. I'm glad everybody feels that a hotel in Downtown is needed and wanted. We plan to build one, right there on that site on the corner of Dickson and West using private funds. No City funds for that project at all. What I would propose that we do is take some time. We have the rights to build on the north end of the Ramble. Brian is a great guy and we have talked to Brian and he has a Request for Proposals that you all are considering here for the south end of the Ramble. We have landscape architects that have spent a lot of time trying to figure out what to do with this park. I've talked to them and I've asked them some questions about what they would do with these two ends of the park, they didn't really answer because I don't think they've been given the opportunity to look at

what could happen to the park utilizing the south and north ends of the Ramble. We should talk to them about that. We need to have meetings with them and, we being stakeholders of the process, I think that Brian, Greg, myself, Rob Sharp, Chris an architect we've been working with, some Councils Members, Walton Arts Center folks, TheatreSquared Folks and probably a Dickson Street merchant. A Committee should be formed and take about three to four months to talk about what is best for this park. I don't know what might come out of that, we might be back right where we are, but there's a better solution here. I would like to have the time to be able to do that and would hope that you all would think the same way. There is going to be another hotel that's being built in south Fayetteville right now called the Moxy off Martin Luther King Boulevard, we'll build our hotel, I agree that the Mountain Inn site there's plans for a hotel there so It's going to be more hotels. Thank goodness for Downtown Fayetteville. I don't think we need a hotel here in this location and I would like the opportunity to talk to other people about that. We do have, in our proposal, to build a food hall concept in the Civic Plaza building and that's very much necessary. We will have a food component in this park for the community to utilize. Thank you very much.

Steve Clark, President of the Fayetteville Chamber of Commerce: As you might suspect, any lawful business that's coming to Fayetteville the Chamber is very excited about. Any business is something that makes us smile and we like to encourage that. One of the things that we have begun to realize at our organization is there's more than just one more. As we look at this issue, and to the members of the Council, I was in the Mayor's Office last week and I said, Mr. Mayor, so you will know, at this point the Chamber will not be supportive of this. Not because we think it's a bad project, but we're not sure there's been enough information gathered. We didn't go any deeper than that but at least there was that notice. That notice was to say we're a growing City, the 2022 census said we have 98,000 plus, so the 2023 census is going to say we have 100,000 plus. At two percent a year that's 2,000 people. Somebody moving here every six hours; moving here or being born here. The people who frequent the Entertainment District don't often come to stay the night, they often come for the night. Early hours, more in the late hours than the early. They come for an experience that they can have. There are 200 plus businesses around that Entertainment District, not all of them are in hospitality or entertainment, but they're still businesses that are there. We don't have enough parking today. If those businesses are going to grow, and let's say they want to have ambition to do something additionally, they want to put on an event or get permission to have a celebration, and whether they're locally owned or corporately owned is not the issue. It is the effort. Do they have the opportunity to grow their business in place larger than what it is today based on a continually growing population? The projections are, by 2045, we're over 155,000 people. That's means there are more potential customers to come every year than there was the year before. If we didn't have enough spaces last year, we won't have enough spaces this year and if we don't have enough spaces this year we won't have enough spaces next year because the numbers of parties growing and we grow in one of the youngest demographic groups which are generally age 18-30. 7,000 freshman students don't spend much time thinking about spending the night on Dickson Street and their parents don't think much about that either honestly. The guests that come to the Walton Arts Center and TheatreSquared don't usually think of that either, they can but there will be a continued improvement in the number of people who will want to be a participate in the Entertainment District. My concern is, and our concern is, there is not enough discussion. There needs to be a discussion with some of those businesses to say, do you have plans to expand? Do you have plans to add services or programs? Do you have plans to elevate what your presence is in the community because you think there's an opportunity to do that? You give

them an answer that says we're going to plan for today and be happy with it. That's very difficult for them to factor into their business growth. We are not opposed to any lawful business, so we're certainly not opposed to a new hotel. We're certainly not opposed to a new restaurant or a new rooftop bar, we'd be silly to do that. We are opposed to complicating a program more than it is already complicated by not taking into account what are the aspirations and intentions of those that are there. They're there, they've spent their money they've bet whatever it is they are betting on this; their reputation, their fortune or their whatever it may be. We would ask you not to do this, not until you get some of the questions answered. I listened to the meeting before I got here, I've heard some of the questions from the members of the Council, they're very good questions and there is no answer other than trust me. I don't think that's a good answer.

Kevin Fry, 930 South Washington Avenue: Don't you wish we would just write you letters instead of taking up five minutes of your time? I live in Ward 1 and I own a business in Ward 2 here on Dickson Street. I have been there for almost eight years on Dickson Street and the bumper that I have seen, for lack of better words, over the last eight years is a flip. That flip is people going north for entertainment, people going north for things that they enjoy whether that be restaurants, nice hotels and bars. When I first got here that was not true. When I came to school here that was not true. Everybody came to Fayetteville. My fear, as a business owner, as somebody who has invested multiple times in Fayetteville and will continue to do so because I love it, my fear is that we're going to lose business to the north. I think this project, The Ramble, which I'm so excited about, is laying the foundation for the future of our City, especially our Downtown. For me it's so important, and my family. My business has gone through some different stages, but the last reinvestment that we've made there actually took away some of the parking that we had and that was intentional. My experience of almost a decade on Dickson, in Downtown and the Entertainment District is that if you build things that draw people in they're going to be there. I know that's not really the question, I know that we don't want to talk about parking. It's like that's the word we don't want to hear. My experience, though, is that we have made more money now as a small business when we took away parking and put other things in that place for people to come and enjoy, for people to be outside. To me, the future for my son here in Fayetteville, I have an eleven month old, I wouldn't be a dad if I didn't mention that; It's important. It's important for him to have things when he grows up to be proud of. That's what we're building here with The Ramble. Projects like this are important for us, we need them. We need to stop losing business to Bentonville, I'll say it, because I've experienced that firsthand and I'm tired of it. I want to see Fayetteville thrive. I want to be here for the rest of my life. Thank you all for your time.

Council Member Bunch: I have a quick question Mr. Fry. I didn't catch the name of your business.

Kevin Fry: Puritan Coffee and Beer, we're on the east end of Dickson.

Council Member Bunch: Did you put in a pocket park or put in outdoor?

Kevin Fry: We didn't. The space there, part of that was owned by the landlord and it had parking spots on it. Instead, we opted to put food trucks there and to put an outdoor space.

Council Member Bunch: Okay, thank you very much.

David Russell, 2311 East Tall Oaks: I've lived in Fayetteville for over 25 years. Simply put, my opinion is we need a hotel in the Entertainment District in Fayetteville because of pressures from the north. I'm not going to recount all of the positives we've heard tonight. I'm not going to counter the negatives we've heard. I would like to see this move forward as quickly as possible. I've known Mr. Reindl for over ten years, and I've known C.R. Crawford Company for many years as well. I know that Mr. Reindl, anything that he touches and develops, and you can walk through any of them in Fayetteville, are first class. He doesn't do anything halfway and if he feels like this is a viable project, I know there's a question of viability, he will figure out if it's not viable and I'm sure he feels like it is, or he wouldn't be pursuing it. When you look at a hotel off the square that on certain weekends can charge almost \$1,000 a room, that supply and demand tells you there's a need for a hotel. I'm not being critical of that hotel, you got to do what you go to do, but I don't know of many hotels that could do that if there was no demand for their space. I would like to see this move forward very quickly, not without consideration for the parking question, and I know that has probably been a question from the start. If this was in the City's Plan for this park to have a building there, I don't care what you put there, there's going to be a need for parking. This is not unique just because it's a hotel. Any viable business that you built there that would be more than two or three stories, parking is going to be an issue that would have to be addressed. I would like to see this move forward and I appreciate your time. Thank you.

Kyle Smith, Ward 4: There are a couple of things that I love about the way this City operates, we plan for the future and we use data that's available to us to make good plans for the future. The last time I brought some data, Mr. Wiederkehr rightly pointed out that correlation and causation are distinct in the data. Today I have something a little more survey based for you, so I hope you'll take a point. A 2020 survey showed that 55% of millennials make an active effort to drive less and that's up from 45% a decade ago. 53% of them are interested in car share services, that's not something we have available here, but more than half of millennials are interested in sharing a vehicle with somebody else so they can still get around and leave fewer cars on our roads. If you look at the comments tonight, whether it's from out here or the questions you all have had up there, you may notice a distinct generational divide between the folks who are worried about parking and folks who are looking at building a great Downtown where they can go and experience something besides parking. I hope that we're going to build for the future and look at the people that are going to be paying for this in the future. Nobody should be shocked we're talking about a hotel. There were buildings on both ends, and the schematics from day one, the very first time that we ever looked at a drawing from the landscape design Consultants, there were buildings on there of substantially the same footprint, substantially the same height, and their renderings were substantially the same aesthetic design as what we see tonight. What we see tonight is not final, you'll get more opportunities to nitpick the design later. Nobody should be surprised because this was there every step of the way and the great thing about our meetings; they're all on video. I think if you went back and looked, you'd find we were talking about hotels during some of it. It was never defined but when we talk about stage facilities for the Plaza and the support that will need, a hotel was a natural fit. I know I talked about it. You've got a 2017 Parking Plan that Justin mentioned, it's available on website. It's got great maps, it's got pictures, it's got zones of Downtown and how many vacant spots were available by times of the day. It was super detailed and it covered a nice broad area of Downtown. That is data you can use and I hope people trust our engineers and our parking staff. One of the hazards of data and a study like that is, you can redesign the parameters of the study and get pretty much any result that you want out of it. I hope

when the other study comes forward that you'll look closely at the methodology they use and see if it really addresses the details of the whole Downtown, because it is people parking in one area and going back and forth. We got rid of parking minimums in the City because the idea is that if you trust the market and trust developers, they're going to know their product better than we will, and they're going to make decisions that are going to be financially feasible. They're not going to go build something that's going to bankrupt itself because of lack of parking. I hope that we'll do that here, that we'll trust them to make the decision. I know valet sounds newfangled and different, and a little unusual. You may not be the market for this hotel if you don't want to use valet, but somebody will. It's going to work. Looking at my time, I will skip that last idea and say, look around at the folks that you have up there. It would be real easy to table this looking for a majority or looking for unanimous consent, you don't need eight. You just need five and that's four if you count the Mayor. Thank you.

Council Member Jones spoke briefly of how there are multiple hotels on Wedington still in business, so he does not believe competition is a problem. He stated he has taken into consideration the parking issue. He believes this will contribute to Fayetteville's quality of life.

Cynthia Courage Hollow, 2054 North Barrington Park: I'm going to be really short here. I've listened to all the various comments and my point is hotels are a business, and this is obviously an opportunity to capitalize on what is going to be very beautiful, what we've had in mind in developing the Arts Corridor. The question I have is, will the hotel be adding value to that vision? Or is it simply going to be using the opportunity of the views and the ambience to enhance the business? Which is how hotels capitalize on things. I have some concerns about that, about all the various details you've heard about, how businesses and hotels can impact cities. You can look at it historically and look at other cities, other areas, that have had hotels built around parks like Rittenhouse Square in Philadelphia and a number of other places, it has not really enhanced the original vision of that corridor or park or area. It's taken from it. Those are simple questions that we need to ask ourselves and it's not about the black hole of that space that was in the original design. How is it going to serve or add value to our community and what we hope to have in the Arts Corridor? Thank you.

Council Member Scroggin thanked everyone that came out to speak and spoke briefly on Short Term Rentals. He believes we need more hotels and that if this hotel is built, it will get used. He agreed there should be a plan on parking going forward and he mentioned parking options.

Council Member Jones: Someone mentioned a parking study, has that been done yet?

Mayor Jordan: Downtown business owners are doing a parking study, correct?

Susan Norton: Justin Clay is our representative on that process. Council Member Jones, it's my understanding they are going to have a completion some time in December. Justin can clear that up when he brings back all the data you wanted to see.

Council Member Bunch: We have our City Parking Study from 2017 that is readily available online for anyone to look at. That's where we will probably get our information from for the new parking study on the Downtown, that has maps and everything with it.

Susan Norton stated that Justin Clay keeps current counts of the overall Downtown area as the Parking Systems Manager. She believes we have enough staff involved to have lots of information and she requested to be emailed any specific questions.

Council Member Jones: I thought I heard starting the process in January, but then someone mentioned us reconvening on this item in two weeks. What will that look like?

Mayor Jordan: I want you all to be comfortable, but I don't know if you will all be comfortable with this particular topic. Whatever information that you want we'll give it. I think Wade has got some bids, let's go through that again.

Wade Abernathy: The construction drawings on the Plaza will be complete in January so we can receive bids. Ideally, we've got some stuff pinned down and they can move forward so we can work the footprint of the building into those bid documents.

Mayor Jordan: Keep in mind in that Plaza there is a boundary of where this hotel would start, but our original boundary is still the same as it was when we first started this project. The same turf. If this does not work, then the Corridor Plaza will still be constructed.

Council Member Turk: It would be helpful to see that graphically in two weeks so we can see that clearly.

Mayor Jordan: I will get you the boundary.

Susan Norton: It is in your packet, but we will have it for display.

Mayor Jordan: It shows the boundary, you need to see that.

Susan Norton: Right, we chose not to go through those details tonight because we had so much to share. Anything like that we will be happy to pull out and highlight in another presentation.

Mayor Jordan: And we'll be happy, Council Member Turk, to provide you any maps you need for where that boundary is.

Council Member Jones: There's one other thing, I believe someone mentioned it, I think it was Devin; jobs. You mentioned how that would contribute to the city's workforce. Devin, could you give us that number one more time?

Devin Howland: I'd like to return to that in two weeks given they have a consultant with Windsor Aughtry, I would like to consult with the experts rather than the drawing. I don't have those figures on me at this time, but I will return with those.

Council Member Jones: Thank you. That's important for the citizens of Fayetteville to know how that's going to contribute to our workforce.

Mayor Jordan: Devin, I want you to also provide how many hotels are going in the Region. I know there's two in Bentonville and there's one coming up in Rogers and Springdale.

Devin Howland: Yes, we will be ready to talk about that as well.

Council Member Kinion: We're talking about what's on the table now and there's the suggestion we might hold it. The discussion we've had this evening has allowed us to engage a conversation on all sides of the issue, we've heard from business owners and people who worked directly on the bond issue. I don't think anyone here wants to destroy paradise and build a parking lot per se, they're just looking for a solution of how this is going to work. I don't think there was a flat out demand that there be no hotel, but we started here as discussion on how this would work. That's the reason we should pause for a moment and let everyone have the opportunity to listen to all the comments brought forward tonight and come up with operational solutions so it can all work together. If we move forward, that's fine. The way I'm looking at this is I want to hear everyone else, but I would prefer to slow down a few weeks and get everyone more on the same page.

Council Member Harvey briefly spoke about the letter of support from the Fayetteville Arts Council to the Council Members. She stated the Fayetteville Arts Council had a lengthy discussion regarding the item and they liked the hotel they saw. She noted that the City does have public transportation available and uses valet parking everywhere she goes on vacation in order to not have to drive her car. She stated a hotel would greatly benefit all the businesses and she can't imagine this being something we don't need. She spoke about the many input session conversations. She briefly spoke about how there is still a lot to consider because there are things that were not touched on at this meeting and feels that they need more time.

Council Member Bunch agreed with Council Member Scroggin regarding there being no place for people to stay the night when they are done in the Entertainment District. She stated we should provide things that will bring people to our area and this could be a nice feature for us to have so we don't lose business and opportunities to places further North. She believes this will be a nice feature that will add to the park and plaza instead of taking away from it. She spoke of how they made it available for anyone to apply and they had received only one proposal.

Council Member Turk stated she wanted to talk about Kit's memo and how they need to take it seriously. She noted that they need to have more information, consideration and expand the discussion. She explained the last time the City did a Letter of Intent; they were told it wasn't a binding contract but once they approved it there was no going back and it was a done deal. She stated it is important the public understands how their funds are being used and there needs to be a demonstration on how this is going to benefit them. She spoke of how she is concerned in regard to how the public is going to be entertained, how they are going to benefit, how is this not going to be a divider and how it will be cohesive. She explained that she wants to have more time to make sure they have all the information they need and all the public engagement from various sectors to be able to make a unified decision on this item.

Council Member Hertzberg: I want to echo what Council Member Turk said and say I'm very much in support of this project, but I'm also concerned about parking. As soon as we get that taken care of, I will be very excited to vote yes on this.

Council Member Bunch: I would like to add something else as well since Kit's Memo was brought up. Was your memo six pages, Kit?

City Attorney Kit Williams: I sent out three Memos and the last one was when I was looking at the contract for something that you might be concerned about, I believe that might have been at least five pages. If it was six, I apologize.

Council Member Bunch: We are always getting slammed at the last minute with emails, we're going to vote on this tonight and I know Kit's busy with a lot of things, but as I was reading through I was losing track of how many Memo's I was getting. Sorry Kit, I know you were trying to be thorough and I appreciate that. We did hire an attorney to help us craft this contract because Kit is busy with a lot of things and I do value his opinion, but we hired someone who specializes in negotiations. Is Vicki Bronson available to explain the Letter of Intent? It's my understanding when I'm looking at the Letter of Intent, I'm thinking if it doesn't pan out then we don't do it. I would like to hear her definition of the Letter of Intent and what it means for us and if we just have the one shot and once we sign it, it's all out of our hands?

Vicki Bronson: The Letter of Intent is intended to be a binding document, but there are a lot of conditions to it. There are several places where additional City Council approval is required, particularly when the final building design plans and specifications are presented, the City Council has to approve that. Whatever particular uses they want to put in the space, as far as bars and restaurants, has to be approved by the City even though there are broad categories of the types of businesses allowed within that District. The final plans have to be approved by the City. The basic design of it, as far the materials to be used and the way it looks, the developer has committed to completing the project in substantial conformant to the drawings you see and any significant deviation from that has to be approved by the City Council. There are steps along the way that City Council has additional input, but if the developer meets all those conditions then yes; it's meant to be binding. In likewise, it's meant to be binding on the developer.

Mayor Jordan: Can the City Council put an Amendment on the Letter of Intent?

Vicki Bronson: Certainly.

City Attorney Kit Williams: I would just say there are conditions in this Letter of Intent. Almost all of those conditions, which could be an escape clause, are for the developer. If the City would approve this Letter of Intent it already has approved the design, size, height and location of the building because it says the building will substantially comply with the designs that have been submitted. If they submit something to you that looks like that, it must be approved. You don't have a way to not approve it, you must approve it. The use units, it's confusing in that paragraph about, 'does the City have any authority to say no you can't do this or not,' so that needs to be clarified. I would like to have it where the City Council continues to have the power to decide the kind of uses you want to be done in this building. Obviously, it's stuff that Mr. Reindl will need to have too, but I'm trying to preserve the City Council's authority here to be able to still make decisions. That's why I said if you approve it right now, the major decisions have been decided. It's going to be decided where the land is, even though it's going to have to be surveyed, it's going to be decided by a third party appraiser on what the value is for the land whether you like it or not.

The major decisions have been decided and when it comes to use units, that just needs to be tightened up so it's clear the City Council has the authority on that.

Susan Norton: I wanted to ask Vicki if she had any further comments since Council Member Bunch called on her with respect to use units or anything else you've been listening to?

Vicki Bronson: Certainly. It would be easy to add specific use limitations if there are specific uses and the developer has to agree to these limitations or there is no agreement. If there's particular uses the City Council wants to see in the document or wants to have prohibited in the document, that can be drafted and the parties can discuss and reach agreement on it.

Council Member Bunch: I don't have any other questions but one of the things that was brought up is there are certain zones around our city that allow certain things by right. Some of the things we've talked about tonight, like the height of the building and stuff, is that already zoned to allow a maximum seven story building, Jonathan?

Jonathan Curth, Development Services Director: Yes, the property is Main Street/Center Zoning District and it allows for a seven story building.

City Attorney Kit Williams: Keep in mind, this is City property that you control. You don't have to agree to go up to the highest level. Secondly, this is going to be a Planned Zoning District and that controls its own height level. It's not the underlying other zoning before the Planned Zoning District, so City Council still has the authority if you want to limit the height of the building. It doesn't have to be seven stories; you can make it taller or shorter. It's your property and you could even rezone it if you wanted to, but you wouldn't have to because you can control it in the contract. There's not a use by right of seven stories on your property. Mr. Reindl owns property adjacent to this on the South Side of the Parking Deck and if his land is zoned for seven stories, he could build seven stories there. But, your property you control.

Council Member Bunch: One of the things you brought up, Kit, is that we're talking about a Planned Zoning District and that's really interesting to me because that does take a lot of things that we might be concerned about and says, 'this is exactly pretty much what we're going to do right here.' It makes it a little clearer for us and the public to look into. Thank you Kit and Vicki.

Council Member Wiederkehr briefly spoke of how he is in favor of a hotel and having one Downtown makes sense. He stated he would like to see a Shadow Study done on the shadow the building will cast on the city park and he would like to see the calculation for the 20 spaces being lost for the existing businesses to the South. He requested a dimension site plan be done on the pathway between the hotel and Mr. Reindl's existing business showing a delivery trailer. He stated he has concerns about vehicle circulation being trapped when more delivery trucks are added. He stated he would like to know whether Windsor Aughtry will be the hotel manager or if they will broker a deal with another hotel operator and Windsor Aughtry will just be the consultant. He would like to see the legitimate viable uses be thought through with potential square footage. He briefly spoke of how he would like to see the financial arrangement discussed for movement of the trail and the land for that trail to reside on if the building placement causes the trail to be lost. He spoke of additional things he would like to be addressed at the next meeting. He mentioned

that Mr. Reindl listed his property for sale with a commercial real estate firm and questioned why he is talking about doing a deal with someone who is listing their property to the South for sale and citing this hotel site. He spoke about the issues of valet parking. He stated part of the issue with the Letter of Intent is that it gives control of outdoor amplified sound to the hotel and he believes the city should control the amplification and speaker placement. He spoke about the building replicating the industrial look of the Ramble Hotel in Denver. He stated that he is not ready to sign the Letter of Intent or vote on the agreement after reading the memos from City Attorney Kit Williams. He believes that if they tighten the uses, look at the interface between the plaza and the building, show how the employees can park and demonstrate how they're going to park 300 people at a banquet, in addition to hotel guest leaving at the same time and getting their valet cars delivered to them, he will be excited for voting yes to this project.

Susan Norton: Mayor, I have Brian Reindl online and he is able to speak to the question that Council Member Wiederkehr brought up regarding the advertisement. Mr. Reindl, if you'd like to go ahead and speak to that rather than delay, you're there to speak.

Brian Reindl, Developer: Thank you all for taking a look at everything tonight and our proposal. I'm excited about bringing a hotel to Downtown, I think we can get through some of the question's you guys have on the Letter of Interest. We tried our best in the Letter of Interest to nail everything down so there's not a switch, this is what we're going to build. If we do what we said we're going to do, we'd like for that to be binding before we go out and spend millions of dollars. The parking is something, as Rob said earlier, if you're spending 50 million dollars you want to make sure you have it worked out. We're not planning on parking cars $\frac{3}{4}$ of a mile away and making customers mad. We have a plan; the valet people outside of this hotbox area. Is it as close as I want it to be? No, but I think we have a plan that will work. We're still looking for better and closer options, which we've been clear about. Ideally, we would be within a quarter of a mile, so we absolutely are not leaving any stone unturned until we get that figured out because we want to have a great hotel for Downtown and we want people to have a great experience. We want to be the greatest hotel in the state of Arkansas and be a great amenity for the City. To answer Council Member Wiederkehr's question about me having it for sale, it is not for sale. I have no interest in selling it. That was more or less an exercise to find out what the value was and you can go and talk to the guys there at Moses Tucker, they actually came to me and said if I want to know what my building is worth they can put it out on Capital Markets so I could find out quickly. I heard from them but had no interest in selling it. I want to build a hotel in Downtown Fayetteville. I'm a Fayetteville resident, I love Fayetteville. My office is right across the street from the hotel and that's what I plan to do. As a lot of people talk about building hotels, a lot of people talk about making movies. I made a movie back in 2016, I don't know if anyone saw it, it was Greater. I plan to build and bring a hotel to Fayetteville. If anyone would not want a beautiful hotel in Downtown Fayetteville then let me know, but I would love to build one.

Council Member Wiederkehr: I commend you for wanting to pay a fair price for the City land that you would purchase. Do you see how I might be concerned that a traditional appraisal, because their based on prior sales, might not be reflective of the potential value of this site that adjoins your land? Or do you think I'm off base with that concern?

Brian Reindl: I understand. That's a legitimate concern and it's always hard when you're getting appraisals, because you're basing it on comps and recent comps. I don't know a better way to do it. How do we know we're going to be fair with each other? The fairest way to do it is to have one or two appraisals. If you guys have suggestions, I'm just trying to figure out is there another fairer way to determine value for something than appraisals? I don't know it.

Susan Norton: Wade and I have talked about this and Wade had a few comments about how we might go about that.

Wade Abernathy: The appraisal we had done in 2019 takes into account improvements and this specific project was listed as some criteria in evaluating the value. When we move forward with selecting an appraisal firm, we will make sure that criteria is taken into account. We talked about going through our regular Request for Quote Process for selecting an appraiser, one that's got the experience with these types of projects.

Council Member Bunch: What he's saying then is the appraisal is going to be based as if the building is already built? Excuse me, I mean the Plaza. One of the things I can't help but think about is, Council Member Wiederkehr brought up the look of the building and it being an Industrial Building. I would ask anyone who has lived in Fayetteville for a long period of time to remember what Dickson Street used to look like, where the Walton Arts Center is I believe there was an Industrial Laundry there at one point in time. There were all sorts of things on Dickson Street and it's been through lots of transformations, so just the fact that this is an Industrial looking building, I don't think that's the biggest issue for me. I don't worry about it because I remember what things used to look like there and actually, I kind of regret that we don't have some of the buildings that we used to have because it would be really neat to build onto. We can work through if we need three independent appraisals, we can get that. That should give us plenty to work with there and if we want to go through the Request for Quote Process we can do that as well. The appraisal part we can work through and make it be something that is comfortable, grounding and gives us a satisfactory number as a Council. We have to do that on other properties that we work with. I do have a question about the movement of the trail, I believe when we outlined these shadow buildings that were going to be there, wasn't the movement of the trail discussed at some point in time?

Susan Norton: Yes, it has been. Wade, are you prepared or should we bring that back? I know Matthew Mihalevich has been involved in that too.

Wade Abernathy: The Greenway will now go through the center of the Plaza. We will have, what we're talking about as far as the trail next to the Reindl Property, would be like a bypass trail if there's an event in the Plaza. Currently it would go just to the North of Reindl's businesses down there.

Council Member Scroggin: I think this is a question for Rob Sharp. Several hours ago, you said you didn't know if we needed to table for two weeks or more because you wanted to hear public comment. Do you have a better assessment of if two weeks will work for you?

Rob Sharp: What was the material deadline if the meeting is in two weeks?

Susan Norton: For us to have the packet prepared to meet in two weeks? That would be next week, so it probably would not be prepared and ready in two weeks.

Rob Sharp mentioned he would like to keep up the pace and meet again in two weeks and that there is a hint of a deadline in the January bid of the Plaza. He stated things like shadow studies and turning radius's for delivery vehicles will be easy to do. He briefly spoke of the appraisal and that he's glad they're bringing forward a project where they are willing to pay full market value for the land and not ask for any handouts from the City. He explained that in two weeks they will have a parking plan with graphics, travel distances and more information. He noted Kit's memo and stated that staff and Brian Reindl worked together well to come up with what they felt was an optimum proposal.

Council Member Scroggin moved to table the item to the November 1, 2022 City Council meeting. Council Member Jones seconded the motion. Upon roll call the motion passed unanimously.

This resolution was tabled to the November 1, 2022 City Council Meeting.

Amend §73.05 Riding on Sidewalks: An ordinance to amend § 73.05 **Riding on Sidewalks** of the Fayetteville City Code to align with state law regarding the rights and duties of a person operating a bicycle in a crosswalk.

City Attorney Kit Williams read the ordinance.

Council Member Scroggin moved to suspend the rules and go to the second reading. Council Member Harvey seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Council Member Scroggin moved to suspend the rules and go to the third and final reading. Council Member Harvey seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 6618 as Recorded in the office of the City Clerk

§72.02 Nonconsensual, Police-Initiated Towing, Storage and Impoundment Procedures: An ordinance to amend §72.02 **Nonconsensual, Police-Initiated Towing, Storage and Impoundment Procedures** to allow towing of a trailer blocking an alley.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: This ordinance has been needed for quite a while as you might hear because we have some people here to speak about it. There has been a trailer left in a paved alley between two houses for more than a year. That is illegal, so it was reported. The City Prosecutor filed charges but the person who was charged didn't show up for Court. This is a little violation, it's not much of a penalty, but that person didn't show up for Court. There was a warrant for failure to appear, but that's not a high priority on Police so the warrant has not been served yet. When this was brought to my attention by some individuals here, I looked in our Code Section and saw that all of our Police Initiated Non-Consensual Tow's did not talk about a trailer and a trailer in an alley. I needed to have that amended, as I have done for you, to give the Police the rights to do that. One reason I just amended it here and didn't write a special ordinance for it is because the current ordinance has all the due process protections that we are required to do when we remove somebody's property without their consent. I'm ready to answer any questions and I know we have some people here that might want to speak to you.

The City Council received 2 public comments regarding this ordinance.

Council Member Turk: I have a question, I don't know if this is to Jonathan, Kit or Billy Bryant with Code Compliance but does the City not have the authority right now to go and have Code Compliance clean up the right-of-way or require it?

City Attorney Kit Williams: Yes, we have that right. I think they were waiting to get the trailer out of the way to be able to access the trash. Susan, I know you've been working on this too.

Susan Norton, Chief of Staff: And Jonathan and Public Works, so Jonathan is prepared to speak to it.

Jonathan Curth, Development Services Director: This issue seems like it's at the confluence of a lot of complicated factors that many of which Mr. Williams outlined. Code Compliance doesn't generally touch the right-of-way and that's kind of where that complication comes in. They've been working with the property owner regarding all the trash on that private property, which has the complications regarding the property owners changing and warrants issued for arrest. This would kick off a series of actions that would take care of it, depending how the Council decides to approve this item, whether as an emergency clause or not. Tomorrow, staff would issue a series of letters to the adjoining property owners targeting one piece of property in particular advising them there would be a set series of days until the City would come in and clear the alley way and remove the trailer. There is a series of actions that would be triggered by this.

Council Member Turk: Since this has brought this to a head that Code Compliance doesn't usually go in the right-of-way, are you expanding that duty or have you considered about how this would work in a future situation without the impediment of a trailer or something like that?

Jonathan Curth: We do, in the ordinance, have the authority to maintain and keep our right-of-way free of obstructions. This particular instance occurred because a trailer was brought in and there was a building safety concern about it being used as housing. An inspector visited and there

was no indication at the time that it was used as housing. Over time, additional items have accumulated there while staff was focused on the property itself. Not to make excuses, but this was the result of several different varying ordinances and different parts of the City working over different parts of those ordinances and has acted as a good experience for us to better coordinate those in the future. For instance, in this one, Code is working the property, Transportation may be moving the trailer with the Police Department and then Transportation and Public Works coordinating on the trash removal if it can't be worked out with the property owner.

Council Member Bunch: Since this has changed hands, if the City goes in and does some cleanup does it not pass the cost of that onto the owner? Is that not going to be passed onto the new owner or is it passed onto the guy that ran off?

Jonathan Curth: As our ordinances are currently written, we do not have the authority to put a lien on a property for work like this. That typically occurs on private property if we have to bring in one of our city contractors to clean just as we would if the City is cleaning out the right-of-way as they would if it's obstructed by an abandoned vehicle that needed to be towed.

Council Member Bunch: It's just on the City then, the cost?

Mayor Jordan: I think we will have to take care of it.

Council Member Hertzberg moved to suspend the rules and go to the second reading. Council Member Harvey seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Council Member Hertzberg moved to suspend the rules and go to the third and final reading. Council Member Harvey seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Council Member Turk: If we want to add an Emergency Clause, is that a separate motion or do we add it to the motion on the floor?

City Attorney Kit Williams: I didn't have one drafted up currently because this has been hanging fire for so long. That's why I thought it sounded almost silly to put an Emergency Clause on something that has been in the works for months.

Council Member Turk: Right, it's just been held up so anything we can do to get it moving forward. If it's not needed, then okay.

There was brief discussion about starting communication tomorrow if this ordinance passes.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 6619 as Recorded in the office of the City Clerk

RZN 22-035 (6074 W. Wedington Dr./Houston): An ordinance to rezone that property described in rezoning petition RZN 22-035 located at 6074 West Wedington Drive in Ward 4 for approximately 2.43 acres from R-A, Residential-Agricultural to RSF-4, Residential Single Family, 4 units per acre.

City Attorney Kit Williams read the ordinance.

Jonathan Curth, Development Services Director gave a brief description of this ordinance. He stated staff and the Planning Commission are in support of rezoning this property to Residential Single Family, 4 units per acre. He stated there was a significant amount of public opposition on the request to rezone this property to Residential Intermediate-Urban. He spoke of how when this request was amended at the second Planning Commission Meeting, to Residential Single Family, 4 units per acre, there were a few members of the public there who spoke. He stated one citizen was still in opposition of this request and the other citizen expressed general concerns about their frustration with the process as they have experienced it. He is available for questions and noted that Nathan Crouch, as the applicant with Blew & Associates P.A., is available via zoom.

Nathan Crouch, Blew & Associates P.A. stated he is available for questions.

Council Member Scroggin spoke briefly regarding the email about the concerned citizen and the color of the signs. He stated he does not feel like we need a new plan to add new colors to the signs and he apologizes for the citizen feeling slighted. He is glad that this item was reduced to Residential Single Family, 4 units per acre.

Council Member Scroggin moved to suspend the rules and go to the second reading. **Council Member Hertzberg** seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Council Member Turk stated she heard from the concerned resident as well and she expressed her thanks to Jonathan Curth for following up and speaking with the resident.

Council Member Hertzberg believes this is much more agreeable as a rezone than Residential Intermediate-Urban, so she will be in support of this.

Council Member Scroggin moved to suspend the rules and go to the third and final reading. **Council Member Hertzberg** seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 6620 as Recorded in the office of the City Clerk

RZN 22-044 (170 E. Mountain St./Twin Summit): An ordinance to rezone that property described in rezoning petition RZN 22-044 located at 170 East Mountain Street in Ward 1 for approximately 0.12 acres from RMF-24, Residential Multi-Family, 24 units per acre to DG, Downtown General.

City Attorney Kit Williams read the ordinance.

Jonathan Curth, Development Services Director gave a brief description of this ordinance. He noted that the infill score for the property is 9, not 8. He stated staff recommends in favor of the request and the Planning Commission felt similarly, voting unanimously 7-0 to forward the item to Council. He noted there has not been any public comment on the item and he is available for questions. He stated Bill Fugitt, Applicant, is available via zoom.

Bill Fugitt, Applicant stated he has no comments but is available for questions.

Council Member Harvey commented she is thankful for the visual and she has not heard anything in regard to this item.

Council Member Jones stated he has not heard anything either.

Council Member Harvey moved to suspend the rules and go to the second reading. Council Member Kinion seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Council Member Harvey moved to suspend the rules and go to the third and final reading. Council Member Jones seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 6621 as Recorded in the office of the City Clerk

VAC 22-022 (3615 N. Steele Blvd/JJ's Live): An ordinance to approve VAC 22-022 for property located at 3615 North Steele Boulevard in Ward 3 to vacate a portion of a Utility Easement.

City Attorney Kit Williams read the ordinance.

Jonathan Curth, Development Services Director gave a brief description of this ordinance. He stated that Mr. Williams noted Swepeco had the highest degree of concern and they have programmed into this vacation a condition of approval dictating that the property owner will remove elements of the encroachment if need be. He stated that in return for that they are willing to consent to the easement being vacated. He noted staff is recommending in favor of this item and the applicant listed, Jody Thornton, is not present and he was unable to connect with representation before the meeting.

City Attorney Kit Williams: My only concern is the applicant is not here. I would like for him to hear that third condition about removing the posts at his cost if the utility company requests it. It concerns me he's not here to actually listen to this condition, even though I'm sure you've supplied him with that. We may want to just leave it on this reading and see if they will attend the next meeting because if he's going to object to that I want to know that in public. I would like to ask him, if he's here, whether he understands at any time in the future he might be required to move his canopy poles.

Jonathan Curth believes that is a reasonable request if the Council wishes to go that route. He mentioned having concerns after the last two vacations because they had conditions from Swepeco that the applicants were not aware of, despite submitting documents.

This ordinance was left on the First Reading.

Amend Ordinance 6010 for VIP Club: An ordinance to amend Ordinance 6010 and change the approved closing time for VIP Club from 1:30 a.m. to 2:00 a.m.

City Attorney Kit Williams read the ordinance.

Council Member Wiederkehr noted that Mr. Haddaji has run a quality club and the Police Department has confirmed there have been no issues with the operation of his business. He stated that once the Police changed their opinion and became supportive of this, he became supportive as well to bring forward to Council.

Brad Renfro, Investigative Captain noted he is there for Chief Reynolds. He stated they have no opposition and the VIP Club has been easy to work with.

Robert Rhoads, Hall Estill Attorneys at Law: My client Sami Haddaji is sitting back there. I thank you for bringing this forward, it's been a long night. You all deliberated in very fine fashion on the hotel issue, that was well done. I will not go into a lot because I suspect you all have read the letter I've written. I think you know we're looking to change this but I would ask one thing; if you're inclined to vote to change this to 2:00 AM, I do not know since this is an amendment of an ordinance, if it is effective immediately and if it's not I would ask you do an emergency clause.

City Attorney Kit Williams: This only affects a single club one time, so it's not an ordinance of general and permanent nature. Therefore, it will be effective immediately.

Robert Rhoads: Thank you. With that we stand ready, willing and able to answer any kind of questions.

Council Member Scroggin moved to suspend the rules and go to the second reading. Council Member Jones seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Council Member Scroggin moved to suspend the rules and go to the third and final reading. Council Member Jones seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 6622 as Recorded in the office of the City Clerk

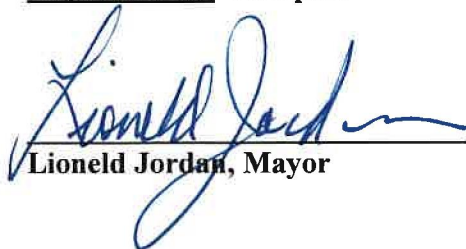
Announcements:

Susan Norton, Chief of Staff noted there is a 24th Annual Celebration of Trees set for October 29, 2022.

City Council Agenda Session Presentations: None

City Council Tour: None

Adjournment: 9:51 p.m.


Lioneld Jordan, Mayor


Kara Paxton, City Clerk Treasurer