MINUTES OF A MEETING
OF THE
FAYETTEVILLE CITY COUNCIL
NOVEMBER 2, 1999

A meeting of the Fayetteville City Council was held on November 2, 1999 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

PRESENT: Mayor Fred Hanna; Aldermen Reynolds, Austin, Davis, Trumbo, Daniel, Santos, Young, and Russell; City Attorney Jerry Rose; City Clerk Heather Woodruff; Administrative Services Director Kevin Crosson; Interim Administrative Services Director John Maguire; Public Works Director Charles Venable; City Planner Tim Conklin; Staff; Press; and Audience.

ITEMS	**ACTION TAKEN**	
Approval of the Minutes	Approved	
Bid 99-76: Williams Ford Tractor Purchase	Approved	Res. 137-99
Solid Waste Container Maintenance Building	Approved	Res. 138-99
Blue Cross / Blue Shield Contract	Approved	Res. 139-99
Fixed Assets Policy Change: $500 to $5,000	Approved	Res. 140-99
Hanna Moore Development Lease	Approved	Res. 141-99
RZ 99-28: 2200 & 2201 W. Deane Street	*Postponed to November 16, 1999*	
2000-2004 Capital Improvements Program	Approved	Res. 142-99
RZ 99-29: Planning Commission Appeal	*Item was left on second reading*	
Community Access Television Contract	Approved	Res. 143-99
RZ 99-30: 1854 S. Garland Avenue	Passed	Ord. 4196
Bid Waiver: Heavy-Duty Cab / Chassis Purchase	Passed	Ord. 4197
Bid Waiver: Serenity Place Collector Street	Passed	Ord. 4198
Park Land Dedication Ordinance	Passed	Ord. 4199
VA 99-14: Lots 40 to 44 in Candlewood Development	Passed	Ord. 4200
Multi-Use Trails	*No action*	

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CONSENT AGENDA:

APPROVAL OF THE MINUTES
Approval of the minutes of the October 19, 1999 City Council meeting.

BID 99-76
A resolution accepting Williams Ford Tractor as the lowest qualified bidder for the purchase of the Tractor/Backhoe/Loaders per Bid 99-76. These units will be utilized by the City of Fayetteville Water/Sewer Maintenance Division and Street Maintenance Division.
RESOLUTION 137-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK

MAINTENANCE BUILDING
A resolution approving an engineering services contract with McClelland Engineers in the amount of $25,567 for services associated with the design and construction of the solid waste container maintenance building, and a budget adjustment in the amount of $25,567.
RESOLUTION 138-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK

BLUE CROSS/ BLUE SHIELD
A resolution renewing the Blue Cross / Blue Shield contract for policy year 1/1/2000 through 12/31/2000 and increase employer contribution to cover escrow account differential.
RESOLUTION 139-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK

FIXED ASSETS POLICY CHANGE
A resolution approving a policy change to increase the threshold for fixed assets from $500 to $5,000. Items purchased under the $5,000 amount are now considered minor equipment. Approval of a budget adjustment is required to recognize the budget impact for 1999.
RESOLUTION 140-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK

HANNA MOORE LEASE
A resolution approving a lease agreement with Hanna Moore Development for a six-month lease for heated storage located at 1671 Fred Hanna Drive per bid 99-77. The agreement will be for the period from November 1, 1999 to April 30, 2000.
RESOLUTION 141-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK

Alderman Davis moved to approve the Consent Agenda. Alderman Daniel seconded the motion. Upon roll call the motion carried unanimously, 8-0-0.

OLD BUSINESS:

RZ 99-28
An ordinance approving rezoning request RZ 99-28.00 submitted by Michele Harrington on behalf of William M. Weatherford and Larry and Brenda Swain for property located at 2200 and 2201 W. Deane Street. Item was postponed until November 16, 1999 City Council meeting.

CAPITAL IMPROVEMENTS
A resolution approving the 2000-2004 Capital Improvements Program. This is a planning document; any funding will be submitted with the 2000 Operating Budget.

Alderman Austin moved to approve the resolution. Alderman Santos seconded the motion. Upon roll call the motion carried unanimously, 8-0-0.

RESOLUTION 142-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK

RZ 99-29 PLANNING COMMISSION APPEAL
An ordinance approving rezoning request RZ 99-29.00. The request is to rezone approximately 1.0 acres of land located along Sycamore Street from R-1, Low Density Residential, to R-1.5, Moderate Density Residential, to allow the development of an upper-scale six-unit residential Planned Unit Development. The ordinance was left on the first reading at the October 19, 1999 City Council meeting.

Mr. Rose read the ordinance for the second time.

Mayor Hanna stated he had received a petition from the Board of Directors of the Richardson Center. He had also received a number of letters concerning the rezoning.

Chris Parton of Crafton, Tull and Associates, Inc. requested that the property be rezoned to R-1.5. The purpose for the rezoning was to construct two additional townhouses on the property. Four units were allowed under the current R-1 zoning. The R-1.5 zoning would allow two additional units. He believed this was a good fit for this area. He thought it would be a good transition from the commercial zoning along College Avenue to the low-density residential zoning further west.

Alderman Reynolds asked if the developer had ever met with the neighbors and presented their proposal to them.

Alderman Russell asked if it was feasible for the developer to build two duplexes rather than the triplexes.

Alderman Davis asked if this was going to be a property-owned association.

Mr. Parton replied that it would be maintained by a POA.

Alderman Austin asked if they had done a traffic impact study.

Mr. Parton replied they did not conduct a formal study. By just looking at the number of units they felt it would generate very little traffic compared to what was already there.

Mr. Francis Ferguson, Atlas Construction, stated these were not townhouses. They were single family homes. Each unit would be sold to individuals. They simply had a common wall. He was not sure if the firm would consider building duplexes. He had made a car count; the traffic moved through very easily.

Mayor Hanna asked Mr. Ferguson if he would be willing to meet with the neighbors if the Council left the ordinance on the second reading.

Mr. Ferguson replied he would be glad to meet with them.

Mayor Hanna stated the Council's agenda session was at 4:30 p.m. the next Tuesday. He suggested making the room available to the neighbors at 3:30 p.m.

Mr. Ferguson agreed to the meeting. He stated he wanted to be a good neighbor. He intended to live there.

Mr. Steve Parker, an area resident, stated he would not be able to attend the meeting next week, but would like to address the Council tonight. He added he was also speaking for Dr. Raylee. He presented a map illustrating the surrounding zoning, noting all the low-density residential areas.

Mayor Hanna stated the Planning Department had found out today, by going back to the original zoning map, that there had been an error in the map which had originally been presented. All of the property to the east of the proposed development was currently zoned R-O, Residential Office.

Mr. Parker stated the property was their buffer zone from the commercial properties. He questioned the logic of marketing multi-story units to elderly people. He stated they had been told that they would try to preserve most of the trees and that all of the large trees would be preserved. If the units were as large as they proposed along with the parking, they would not have room to preserve most of the trees. No one had contacted them for a meeting. The proposed bill of assurance would only limit the number of units and did not mention the quality of the development. He still had not heard any reason why the City needed this development and how this would benefit the citizens.

Mr. Nate Allen, an area resident, stated that they were a diverse neighborhood. They were concerned that a complex of multiple dwelling units would inflict hazards on the children of the Richardson Center and the children at Woodland Junior High, on traffic, on property and on the trees. He had lived in the area for over 25 years and he had never heard of any problems in the area. He expressed concern about this development creating new problems for the neighborhood.

Alderman Russell asked if there was a way to guarantee that the units would remain owner-occupied.

Mr. Rose replied he was not aware of any way to guarantee that.

Alderman Davis questioned even if there was, how they could enforce it.

Alderman Russell stated his position on the rezoning was that if he was a neighbor he would not have a huge problem with it. However, he did not think the two additional units were a compelling enough reason to not do what the neighbors wanted. He was against the project unless the developer could convince the neighbors that it was okay.

In response to questions from aldermen, Mr. Ferguson stated he did not know if the developer would only build duplexes. He added it was a matter of economics. The developer was in the business to make money. When they paid a certain amount of money for land they had to use it. That was the reason for the six units. It would fit on the property. This was not a multi-family housing. They were single family residences which would be sold.

Alderman Austin asked if anyone was adjacent to the property.

Mr. Parker answered that they were not present, but they had their signatures on the petition.

There were a number of people that had been told that they did not have to come tonight, but could be there next week.

ITEM WAS LEFT ON THE SECOND READING

NEW BUSINESS:

Alderman Russell stated he had received a request from some of the members of Community Access Television to move the CAT contract to the beginning of New Business.

The Council consented to the change and there was no objection from the audience.

COMMUNITY ACCESS TELEVISION
A resolution accepting a contract with Community Access Television for public access television services.

Mayor Hanna asked Mr. Rose if the Council normally discussed this contract every year, since it was a five-year contract.

Mr. Rose replied under the terms of the contract, there were renewal terms which were subject to favorable recommendation from the Cable Board, approval of the renewal by the City Council, and budget approval by the City Council.

Alderman Reynolds stated he had requested this item be removed from the Consent Agenda during the Council's agenda session. He had since met with Mr. Dale Porter. Mr. Porter had explained things to him. He personally like Mr. Porter and thought he was doing a good job. He would like for the Council to vote in favor of this. Mr. Porter had gotten some things resolved.

Alderman Reynolds moved to approve the resolution. Alderman Austin seconded the motion.

Mr. Joey Dutton stated he had formed an organization and would like to take over the CAT contract. Both he and his partner had had experience in media. He stated he had had disagreements with the Board and other members of the organization in the past, mostly over spending and money. He asked the Board if they thought the money they had been given had been well spent and if they were doing a good job in fundraising. He believed they could do a lot more fundraising. He thought it would be easy to raise the money on their own. He thought they could step in and manage the channel without any interruption of services. He wanted to bring the station into the 21st century. They wanted to continue to teach people to use the media.

Alderman Daniel asked Mr. Dutton if he had talked with the Cable Board.

Mr. Dutton replied he had.

Alderman Reynolds stated he had received several letters from Mr. Dutton, but when he asked questions at the CAT station no one acknowledged any of his statements.

Mr. Dutton replied he had tried to handle everything in a professional manner.

Alderman Reynolds stated he was going to support the existing manager.

Mr. Dutton stated he had not had any problems with Mr. Porter since he had taken over the station.

Mr. Grant Patterson stated he was Mr. Dutton's partner and they had formed a corporation. He believed they could run the station next year without funding from the City. He did not see what the problem was. He did not see the reasoning behind not having some sort of fundraising going on. They had everything in place. He did not see why they were not taking advantage of it. The current atmosphere was very negative. They needed to change it. He had seen a slight change since Mr. Porter had taken over, but there was room for more improvement. The quality should be better. The programing needed to be more professional. There needed to be community involvement with the station.

Alderman Reynolds asked if next year the two of them could produce their own $63,000.

Mr. Patterson replied he was not saying that they could for sure, but that they probably could. They would take a $20,000 cut, then they would come up with their own additional funding. He thought that with a creative marketing scheme and aggressive action the money could be brought in.

Alderman Austin stated he was not inclined to accept an offer from them. If he thought it was time to change, then it would be appropriate to open the contract to all qualified applicants. He was not sure they would be successful in getting the contract. He thought one thing they would look at was his professionalism. They had brought some personal things into the meeting tonight. He stated next time they needed to take those issues through the proper channel. He did not believe this was the appropriate channel.

Mr. Patterson stated they were here to give the Council a proposal to give them something to think about.

Alderman Daniel stated she thought they had some fresh faces and a new start at the station. She had not received any negative phone calls. Last year when they were looking at renewing the contract, she had received some negative criticism.

Mr. Dale Porter, CAT manager, stated they had done some fundraising. They had another sone scheduled for later this month. They had generated funds this year through contract productions. They had taken over the program in April. None of the other commercial stations could show some of the programs they did. It was not always the best of quality, but it came from the community. They did not generate the program and they did not discriminate. The way they received programming was from people using their facilities. They were getting underwriters from individual businesses or communities. They wanted to see certain events shared. They were currently teaching classes at the Walton Arts Center. They had focused this year on trying to get as many people involved as possible. They had approached some of the citizens and businesses and they were underwriting some of the performances and events that went on in town. They made about fifty percent of the underwriting as fundraising for CAT. The rest of the money went for paying for the production and the shooting of it. As a result they were getting some great events around town. They were beginning to see some great programming. They were raising a little money. They were getting more people involved. He thought they had made some good headway into the community. An organization like this did not run itself. They had put a lot of hard work and effort into it. They were contracted to be open forty hours to the community. They were open seventy-five hours plus, just to make themselves more acceptable. They had doubled the amount of classes they taught. They had doubled the amount of time they were on the air. Their numbers spoke well and they were working hard to maximize everything they had. There was not a ton of money out there to fund all of the non-profit organizations. Some people were not aware of all the things offered to the community. Their focus at this time had been to go out into the community and to the businesses to get them to help underwrite programming. As they had made friends, they had more people out there to help them. He had been involved in a lot of fundraisers. Because they had a fundraiser or had an event did not mean they were going to make money.

Alderman Russell asked how many people were on staff now.

Mr. Porter replied: himself, his assistant, and two part-timers, and the rest were volunteers. In response to questions from Alderman Austin, Mr. Porter stated he had been managing since April. Every month they assessed their financial report, classes, programming, and every quarter he did that with the Cable Board.

Alderman Daniel stated fundraising did take a lot of time and energy, but there was only so much money to go around. She felt citizens had been hit up hard. She was happy that the City was favorable to supporting the CAT channel.

Alderman Trumbo stated he was impressed with Mr. Porter's conviction and compassion.

$63,000 had always been a shoestring budget. He thought it was one of the best investments that the City had, especially this last year. The programming had gotten a lot better. He thought the fundraising would start to come in because he had done an outstanding job in a short amount of time.

Mayor Hanna called for the vote. Upon roll call the motion carried unanimously, 8-0-0.

RESOLUTION 143-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK

RZ 99-30
An ordinance approving rezoning request RZ 99-30.00 submitted by Austin Schader for property located at 1854 S. Garland. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 2.36 acres. The request is to rezone the property to R-2, Medium Density Residential.

Mr. Rose read the ordinance for the first time.

Alderman Austin moved to suspend the rules and move to the second reading. Alderman Reynolds seconded the motion. Upon roll call the motion carried unanimously, 8-0-0.

Mr. Rose read the ordinance for the second time.

Alderman Reynolds moved to suspend the rules and move to the third and final reading. Alderman Santos seconded the motion. Upon roll call the motion carried unanimously, 8-0-0.

Mr. Rose read the ordinance for the third and final time.

Mayor Hanna stated this was a down zoning, but it also had to do with a transfer of family property so they could build a house on the property.

Mayor Hanna called for the vote. Upon roll call the ordinance passed unanimously, 8-0-0.

ORDINANCE 4196 AS RECORDED IN THE OFFICE OF THE CITY CLERK

BID WAIVER
An ordinance approving a bid waiver to purchase heavy-duty cab and chassis and compartmentalized body for use in the Curbside Sort Recycle Program from SAC Recycling System.

Mr. Rose read the ordinance for the first time.

Alderman Russell moved to suspend the rules and move to the second reading. Alderman Davis seconded the motion. Upon roll call the motion carried unanimously, 8-0-0.

Mr. Rose read the ordinance for the second time.

Alderman Santos moved to suspend the rules and move to the third and final reading. Alderman Russell seconded the motion. Upon roll call the motion carried unanimously, 8-0-0.

Mr. Rose read the ordinance for the third and final time.

Mayor Hanna called for the vote. Upon roll call the ordinance passed unanimously, 8-0-0.

ORDINANCE 4197 AS RECORDED IN THE OFFICE OF THE CITY CLERK

SERENITY PLACE BID WAIVER

An ordinance approving a budget adjustment, cost share, and bid waiver in the amount of $80,477.00 with the developer of the Serenity Place PUD, Tim Reynolds/Prestige Properties, for the construction cost difference to construct Serenity Way to collector street standards in lieu of a local street.

Mr. Rose read the ordinance for the first time.

Alderman Austin moved to suspend the rules and moved to the second reading. Alderman Reynolds seconded the motion. Upon roll call the motion carried unanimously, 8-0-0.

Mr. Rose read the ordinance for the second time.

Alderman Santos moved to suspend the rules and move to the third and final reading. Alderman Daniel seconded the motion. Upon roll call the motion carried unanimously, 8-0-0.

Mr. Rose read the ordinance for the third and final time.

Alderman Russell questioned the budget adjustment and where the funds would be returned to.

Mr. Crosson answered that the money would go back into the Street Fund fund balance.

Mayor Hanna called for the vote. Upon roll call the motion carried unanimously, 8-0-0.

ORDINANCE 4198 AS RECORDED IN THE OFFICE OF THE CITY CLERK

PARK LAND DEDICATION ORDINANCE
An ordinance amending the Park Land Dedication Ordinance increasing fees an average of 25% to reflect current market value.

Mr. Rose read the ordinance for the first time.

Alderman Santos moved to suspend the rules and move to the second reading. Alderman Reynolds seconded the motion. Upon roll call the motion carried unanimously, 8-0-0.

Mr. Rose read the ordinance for the second time.

Alderman Santos moved to suspend the rules and move to the third and final reading. Alderman Young seconded the motion. Upon roll call the motion carried unanimously, 8-0-0.

Mr. Rose read the ordinance for the third and final time.

Alderman Austin asked how many cities in our area had this type of ordinance.

Ms. Edmonston, Parks and Recreation Director, stated Fayetteville was the only city. As of the last two years they were the only city in Arkansas that had this ordinance.

In response to questions from Alderman Austin, Ms. Edmonston explained they had wanted to enhance their Parks and Recreation system. Over the last eighteen years that they had it they had added over ninety-six acres of park land. They had over $885,000 that went into development or land acquisition.

Alderman Santos explained this was an impact fee. As people moved into town they created a demand for more park land and this was how they met the demand.

Alderman Austin stated there were a number of people that had a question about the validity of the ordinance.

Ms. Edmonston replied the ordinance had been tried before the Arkansas Supreme Court and was upheld. She felt that it was a very sound ordinance for their city. Many cities marveled at it.

Alderman Trumbo stated he was in favor of the ordinance. He thought it was well spent. He added it had been very good for the Parks Department. He thought it had worked very well. This amendment was only bringing the rates up to the market values for the land.

Alderman Russell stated he supported the ordinance.

There was no public comment.

Mayor Hanna called for the vote. Upon roll call the ordinance passed unanimously, 8-0-0.

ORDINANCE 4199 AS RECORDED IN THE OFFICE OF THE CITY CLERK

VA 99-14.00
An ordinance approving a vacation request submitted by Dave Jorgensen and Associates on behalf of Candlewood Development, LLC for property located on Lots 40 to 44 in Candlewood Development. The request is to vacate a 25' sewer easement.

Mr. Rose read the ordinance for the first time.

Alderman Davis moved to suspend the rules and move to the second reading. Alderman Austin seconded the motion. Upon roll call the motion carried unanimously, 8-0-0.

Mr. Rose read the ordinance for the second time.

Alderman Austin moved to suspend the rules and move to the third and final reading. Alderman Davis seconded the motion. Upon roll call the motion carried unanimously, 8-0-0.

Mr. Rose read the ordinance for the third and final time.

Mayor Hanna called for the vote. Upon roll call the ordinance carried unanimously, 8-0-0.

ORDINANCE 4200 AS RECORDED IN THE OFFICE OF THE CITY CLERK

MULTI-USE TRAILS
A presentation and discussion of a petition regarding multi-use trails.

Mr. Rex DuFour, an area resident, presented a petition to the Council requesting bike trails along Crossover Road, south of Mission Boulevard. The petition had been left around restaurants and bicycle shops for about six weeks. He had also spent a couple of mornings at the Farmers Market. He presented why the citizens wanted these multi-use trails.

Mayor Hanna thanked Mr. DuFour for the presentation. He did not believe they could disagree with what he had said. There were a couple of things he wanted to mention. They had their funds restored to them for their bicycle trails that they had to spend by the end of next year. Some of their long range plans were going to come to fruition more quickly than they had before. As far as Highway 265 was concerned, they were way past the point to make changes. However, it was unclear what could be done about future paths along state highways. The state will allow them to construct trails along state highways, if they paid for the land and constructed the trails themselves. He expected to see the City's trail system improve over the next couple of years because they had dedicated the money to it.

Mr. DuFour replied he was of the thinking that it was never to late to change things. Once the expansion of Highway 265 was complete there was very little chance to go back and construct any other type of corridor. There were federal monies that could be applied for.

Mayor Hanna stated they had gone through this a few years ago and it had cost them three years on the widening of Highway 265. He doubted they wanted to go through that again.

Alderman Russell replied that was not what a spokesman from the Highway Department had said. He quoted from a newspaper article that it was never too late, until they let the contract.

Mr. Venable stated the right-of-way had already been acquired. The trail would require a redesign and an additional right-of-way. The utilities were being relocated at this time. This would require them to be relocated again.

Alderman Russell replied it was his understanding that this would not require an additional right-of-way.

Mr. Venable replied it would require additional 10' of right-of-way. It would be very involved. A typical section would be the width of the pavement, each side would have a 6' berm with sidewalks. They normally did not put sidewalks along the road, but the City was paying for that. In order to put a trail on they would need an additional 10' on one side. There was a two foot green space between the curb and the sidewalk.

Ms. Laura Kelley, an area resident, suggested putting the two four-foot sidewalks together.

Ms. Terry Easton, an area resident, stated she had spent several hours on the phone this week with representatives from the State Highway Department. According to the district engineer Mr. Harold Beaver, the bid had been let on the Highway 265. The bid opening date was November

17. Therefore contractors were currently preparing estimates for submission. In the matter of Highway 265, everyone she had spoken with felt there had been a significant amount of public input over of the past thirteen years regarding this project. If a change were to occur now, the project would have to be stopped before November 17. What they must consider was whether the need for widening Highway 265 at this point was so great that they could risk putting this project on hold. All three of the people she had spoken with had told her that they had identified a need for fourteen billion dollars worth of state highway road work over the next ten years. They had estimated approximately four billion dollars worth of revenue available for these types of projects. The highway department preferred to work with people who were grateful to get what they could. They could move forward or they could ask the highway department to stop and wait a number of years.

Alderman Davis stated his constituents felt it was time to widen the road because the need was so great. It was too late in his opinion to change Highway 265, but in the future they needed to look at alternatives. He thought the City needed to make a conscious effort to do this.

Alderman Russell noted that the City's 2020 plan did call for a network of multi-use trails connecting schools and parks. He questioned what they needed to do in the future to ensure that this would be looked at.

Alderman Austin stated he was in favor of multi-use trails, but he was not in favor of putting a hold on Highway 265. He encouraged people in the interim to mark their bikes because currently unmarked bikes were a problem.

Ms. Easton suggested getting the support of the highway department. He thought a request from the City would get Mr. Weston of the state highway department to come to Fayetteville.

Alderman Santos suggested getting Mr. Weston to meet with the City.

Mr. DuFour stated he had spoken with Mr. Weston before. Mr. Weston had stated the highway department would go along with the state if the city presented the case. The City needed to approach the state with their requests.

NO ACTION WAS TAKEN ON THE ITEM.

Meeting adjourned at 8:45 p.m.