MINUTES OF A MEETING
OF THE
CITY COUNCIL
APRIL 2, 2002

A meeting of the Fayetteville City Council will be held on April 2, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain, Fayetteville, Arkansas.

PRESENT: Mayor Coody, Aldermen Jordan, Reynolds, Thiel, Young, Davis, and Santos, City Attorney Kit Williams, City Clerk Heather Woodruff, Staff, Press and Audience.

The meeting began with a moment of silence in remembrance of Alderman Trent Trumbo.

NOMINATING COMMITTEE REPORT

ADVERTISING AND PROMOTION COMMISSION
Pat Gazzola - Re-appointed to fill term ending 04/01/06

BOARD OF ADJUSTMENTS/BOARD OF SIGN APPEALS
Robert A. Nickle - One five-year Public-at-Large term ending 03/31/07

CIVIL SERVICE COMMISSION
Merlin Augustine - One six-year Full term ending 03/31/08

CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS
Stanley P. Johnson - One five-year Full term ending 03/31/07
Dennis Becker - One five-year Full term ending 03/31/07
Owen Eudell Luttrell - One one-year Alternate term ending 03/31/03

TELECOMMUNICATIONS BOARD
Susan Cromwell - One unexpired term ending 06/30/03

Alderman Davis stated he would like to discuss the Planning Commission and Library Board.

Alderman Santos moved to approve the report with the exception of the Planning Commission and the Library Board. Alderman Jordan seconded. Upon roll call the motion carried unanimously.
CONSENT

BOYS AND GIRLS CLUB: A resolution authorizing a lease agreement with the Fayetteville Boys and Girls Club for 8.16 acres of park land to be used for recreational purposes for the future Fayetteville Boys and Girls Club.

RESOLUTION 54-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

PAGERS: A resolution increasing the City's annual pager/cell phone allotment by $2,810.16. The increase will allow the Fire Department to save approximately $60,000 in the 2002 CIP Budget scheduled for an upgrade to the High Band Paging System.

RESOLUTION 55-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

PROPERTY SALE: A resolution approving the sale of City owned property in the Fayetteville Industrial Park identified as a lot split of Parcel R containing approximately 7.75 acres for $20,000 per acre or an amount not to exceed $155,000 and approval of a budget adjustment.

RESOLUTION 56-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

SAGE HOUSE: A resolution approving a lease agreement between the City of Fayetteville and Sage House.

RESOLUTION 57-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Alderman Santos moved to approve the Consent Agenda. Alderman Jordan seconded. Upon roll call the motion carried unanimously.

OLD BUSINESS

RZN 02-1.00: An ordinance approving rezoning request RZN 02-1.00 for property located at 1140 Hendrix and 1110 Hendrix. The property is zoned R-1, Low Density Residential, and contains approximately 1.36 acres. The request is to rezone to R-1.5, Moderate Density Residential. The ordinance was tabled on the third reading at the March 5, 2002 meeting.

Alderman Davis moved to remove the item from the table. Alderman Santos seconded. Upon roll call the motion carried unanimously.

Mr. James Parish, an area resident, stated he had lived in this neighborhood for thirty years. The area had been R-1. He asked why the neighborhood should pay for their mistake. The neighborhood was totally against this. This was a good neighborhood. People were starting to bring the area back up.

Ms. Joyce Richards, an area resident, stated as president of the neighborhood association, she would be the only one speaking against the rezoning. The association had meet and taken a vote. The majority of the residents in attendance said "no" to the rezoning. There were five votes for a conditional "yes", however the conditions were not stated at that time. There were nineteen votes "no". The council had received their petition with approximately 116 names from residences in the area. The others were to the southwest of them, but they were affect by the traffic. They were against this rezoning. She asked them to help them maintain the character of their neighborhood. They already had transition zones. Hendrix was on the city's schedule to be repaved in 2003. Their neighborhood did not need more traffic. The law could not be changed by a clerk making a mistake on a computer. They were not breaking the faith with the ones who would get the benefit of the mistake. They were breaking faith with the voters who for years thought this was R-1. They needed to protect this neighborhood.

Ms. Terry Faylyn, an area resident, stated she had been on Maxwell since 1985. Mr. Thompson had presented a bidder with a petition. The petition did not have addresses written on them. She had looked at some of the signers. Some of them were across town and out in the county. She believed that the significance of opinion regarding the rezoning should be weighted in favor of those that actually live the neighborhood association area since they would be the ones most affected. She did not believe the city should favor one developer over a neighborhood when the fault lies with the city. Mayor Coody had reportedly told a class that they were going to make it right. She believed that the residents of the neighborhood association all purchased their property in good faith and that the neighborhood should stay R-1.

Ms. Valerie Sawyer, an area resident, stated she was a renter. She was concerned by what trees would get left. There were some really nice trees that she would like to see saved. There should be some kind of compromise. Her son wanted to come to the meeting tonight because his favorite tree was a big red bud. He wanted to see the trees saved more than he cared what got built there. She realized Fayetteville was going to need more housing. She was more or less in favor of the rezoning, but there should be some conditions.

Mr. Scott Roberts, an area resident, stated he had lived here for three years. He thought Mr. Thompson had bent over backward in terms of the presentation that he had put together as well as what he was trying to do with the land he was developing. This person was investing in a community that was a great place to live and a great place to invest in. He was also looking to purchase some property in the area. If they voted against this thing, the word of the city would be no good. He wanted to be able to trust the city and the system. If something had been done wrong, then they should do the right thing.

Ms. Mona York, an area resident, stated Mr. Thompson's project was in her back yard. She did not have any problems with it. She supported it.

Mr. Brock Thompson, applicant, stated he had provided books last week which provided a lot of information. He was at Harps last week and he did go door to door. He tried to get out to the community in terms of getting people to understand exactly the situation that happened with his project. He did not represent that he got all those signatures at Harps. They were going to see some conflicting houses that were covered. He spoke with Ms. Brown last night. She had lived on the property for seventeen years. She did not plan on moving anywhere. She understood about the expansion on Garland. She signed the petition. Her indication was that they were bringing something new to their property. She was in favor. The owner across the street was in favor of this. He brought one neighbor tonight who was in favor of this.

Mr. Osburn stated some residents were concerned about traffic. There was no reason for the traffic from this development to go to the west. They were going to go east, north or south.

Ms. Sharon Davidson, an area resident, stated they needed to realized property owners have been getting ran over by single individuals who come in and buy property for development. As a community they were drained on all of their services, yet they were being run over by people who came in, not to be part of our community, but to profit. They were going to approve this because they were afraid of a law suit from a single individual who was trying to manipulate their whole community. They should be worried about law suit from collective groups, such as neighborhoods.

Ms. Carla Grey, an area resident, stated they had been presented with two conflicting maps. So that they did not get the wrong idea, they were both correct. The original petition, when it went around, she signed it. When the sign first went up in the corner lot, they did all think that it was apartments. After the triplexes were built on Hendrix, the idea of apartments on that corner was freighting because it looked like their neighborhood was being sliced up like a pie. A lot of information had come out since the first petition was circulated. Mr. Thompson had purchased the property thinking that it was zoned R-1.5. He did not buy residential lots trying to rezone them. She did not understand until after the last city council meeting that the triplex behind her was R-1, with improper use. One of the biggest fears that the neighborhood had collectively was triplex in the middle of the street, triplexes on the corner. How could anyone say no to triplexes in between. After she found out that the triplexes in the middle of the street were R-1 with improper use, they can not be used as leverage to rezone anything else on that block. She felt that her neighborhood was protected. Garland was scheduled to be a five-lane highway at some point. There were two houses there now that had been on the market for a very long time because no one wants to live where a large highway is going to be put. She did not believe single family homes would ever have a chance of being owner occupied. More and more neighbors have dropped out on the opposition to this rezoning. She was one of them. The right thing for this lot was R-1.5.

Alderman Davis asked how many years had it been that the city had showed this on the city map as being R-1.5.

Mr. Conklin stated the map had been converted in 1995.

Alderman Davis stated so for the past seven years it had been showed incorrectly. How long ago was the prior triplex built on Hendrix.

Mr. Conklin stated it was last summer.

Alderman Davis asked if he had not brought this to their attention, would they be here tonight. The property would still be shown as R-1.5.

Mr. Conklin stated that was correct. That was what happened to the last one. He wanted to make sure that there was an actual ordinance for this one. They could not find one. After they could not find one, twenty-four hours later the map was changed on the website and their office. He then advised Mr. Thompson. And recommended that he go through the rezoning process.

Alderman Davis stated it was his understanding that someone on the city staff wrote a letter confirming that this was a R-1.5 to a financial institution.

Mr. Conklin stated a letter had been written.

Alderman Davis stated neighborhood associations needed to come to city hall from time to time to check their zoning.

Mr. Conklin stated he did not want this to ever happen again. He had been through the map once. He was in the process of looking at thirty-two years of ordinances. He would be bring forward a map. He wanted to make sure. They now have better technology. This area zoning classification was done by arrows. It was very difficult to see that from the 1970 zoning map which had been hand done with crayon.

Alderman Davis stated it had been seven years. The city has written him and given their word that it was zoned R-1.5. as neighbors needed to check from time to time to make sure that the city had the zoning on the map as they believe is correct. He did not see how they could back and tell him tough luck. If they did that, how could the citizens ever trust them on anything again.

Alderman Jordan stated they talked about the word of the city to Mr. Thompson, but what about the word of the city to the individuals that lived inside the city limits. The neighbors bought their property in good faith, believing that this was R-1 zoning. They expected to finish their lives out in that neighborhood. That neighborhood has come forth and stated they wanted the city to stand by them and protect their neighborhood and quality of life.

Alderman Theil stated the organized association had made a statement, but the people closer to where this was going to be built were for it. In her mind they weighed heavier than the others. Those were the neighbors next to the property. she was trying to weigh which set of neighbors to listen too.

Alderman Santos stated Garland Avenue has been a state highway for years. People should have known that more dense development was going to occur on a state highway. Three of the last city plans that he has worked with have been expecting more dense development along Garland Avenue. That was why the highway department was planning on widening it. Almost fifty percent of the traffic from the University came from Garland. The University was trying to expand by fifty percent. Without even the mistake being made the proper thing to do is to rezone the property for more dense development. Which is what they see more and more of along Garland. The project Mr. Thompson has brought them was more compatible and serves has a better buffer to this neighborhood than the kind of dense apartments across the street. They had to expect that development. They had to respect their plans. A lot of people other than the people in this neighborhood contributed to making the plans. There were a lot of goals that they set forth in those plans that they want more dense development in the center of the city, within walking distance of schools and shopping centers. There was a transit line already here. That will make the transit line more efficient to have higher density. This was good for all of Fayetteville.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed by a vote of 5-2, Jordan and Young voting nay, Mayor Coody voting yea.

ORDINANCE 4384 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RZN 02-5.00: An ordinance approving rezoning request RZN 02-5.00 for property located west of I-540 and south of Point West Phase I and east of Pine Valley Phase I. The property is zoned I-1, Heavy Commercial / Light Industrial and R-2, Medium Density Residential and contains approximately 14.84 acres. The request is to rezone to R-1.5, Moderate Density Residential. The ordinance was left on the first reading at the March 5, 2002 meeting.

Mr. Williams stated the applicant had sent a memo withdrawing the request. The applicant would have to reapply and start from scratch if he wanted to have the item reconsidered.

REMOVED FROM AGENDA.

CDBG: A presentation regarding the 2002 Community Development Block Grant.

Mr. Hugh Earnest, stated presented a overview of their program. This program gave them the opportunities for the city to provide additional money for housing. They can utilize the funding for further cost of bonds for the provision of new home construction. They may be able to pay money in advance to issue bonds to get a large one time sum of money and get far more aggressive in construction of affordable housing in the city. They can also subsides transportation needs. They need to improve their outreach relative to development of area plan. They need to involve more people in the community to make sure that they were meeting the needs of the neighborhood.

They had several projects that they had not been moving money on. Sage House, $153,635. Project for Victims of Family Violence $460,335, and Yvonne Richardson Center $104,000. This money was just sitting there. What the federal regulators have told them was that they needed to more aggressively move this money within a defined time frame or in affect the city will be penalized by reduced allocations in the future. They understood the issue they are facing and he believed the council would begin to see more future on these projects.

Alderman Young asked how they would pay off the bonds.

Mr. Earnest stated they would use future allocations of community development block grant funds to service the debt. That was very preliminary discussion. Mr. Hunt, with Stevens, has serious concerns about that. He did not say not, but they needed to talk with their Hud representative.

NO ACTION TAKEN.

NEW BUSINESS

RZN 02-6.00: An ordinance approving rezoning request RZN 02-6.00 as submitted by Terry Carpenter of US Infrastructure, Inc. for property located at 415 Longview Street. The property is zoned A-1, Agricultural and contains approximately 38.6 acres. The request is to rezone to R-O, Residential Office.

Mr. Williams read the ordinance.

Alderman Davis stated his made perfect sense. He had not heard of any objections.

Mr. Conklin stated at the Planning Commission some of the residents had concerns about future access. He did not envision the street going into the subdivision. This property already is developed with Washington County Health Facility. The city had cost shared with Washington Regional Medical Center to extend that street through the property. The city has been involved in this project. It was an addition to North Hills Medical Park. It has turned into a regional medical area for Northwest Arkansas. Staff and Planning Commission has recommended approval.

Alderman Davis moved to suspend the rules and move to the second reading. Alderman Thiel seconded. Upon roll call the motion carried unanimously.

Mr. Williams read the ordinance.

LEFT ON THE SECOND READING.

NEW WORLD SYSTEM: A resolution approving the purchase of the Fire Department's portion of the New World Technology upgrade for the Computer Aided Dispatching/Records Management System which will allow the Fire Department to interface with the current CAD/RMS system to provide accurate reporting information.

Chief Bosh stated the Fire Department had been using the New World Technology system about five years ago, which was the system used in the Police Department. The Fire Department had opted to pull away from that system and to go with a stand alone system. Unfortunately, they had found that the FirePro system will not interface with this current CAD/RMS system. The new system will allow information sharing.

In response to questions, Chief Bosh stated this would fall under the Police Departments radio upgrade. They had $30,000 budgeted for that. This will require an additional $8,000 which they were going to pull out of the $60,000 that they saved on the pagers. They will show a savings of about $52,000 overall.

Alderman Young stated they had recently approved a lot of technology. Why was this not included in this.

Chief Bosh stated this was a separate system. The technology that they had approved was a separate system. This was specially for Police and Fire response.

Alderman Santos moved to approve the resolution. Alderman Davis seconded. Upon roll call the motion carried unanimously.

RESOLUTION 58-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

SOLID WASTE MODIFICATION: Approval of the lift concept modification of vehicle configuration for the commercial route front load style sanitation vehicles. This will allow an upgrade to the newer style fork application and eliminate the triangle style lifts on vehicles as they are being replaced. This will also allow modifications to current containers and upgrade of containers as they are being replaced.

Ms. Carrol Hill, Solid Waste Director, stated this would save the city a lot of money on the purchase of containers and trucks. The triangle was extra and out dated. It was a simple modification to their current trucks. In the long run, there would be less maintenance. The triangle tended to break. The weight could be distributed more evenly with a fork system.

Alderman Reynolds stated they would no longer have to special order the triangle for the trucks and the containers. It should pay for itself within a year.

NO ACTION TAKEN.

Meeting adjourned at 8:30 p.m.