

**City Council
Meeting Minutes
October 1, 2002**

A meeting of the Fayetteville City Council was held on October 1, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

PRESENT: Alderman Reynolds, Thiel, Young, Marr, Bechard, Davis, Santos, Jordan, Mayor Coody, City Attorney Kit Williams, City Clerk Heather Woodruff, Staff, Press, and members of the audience

Mayor Coody called the meeting to order.

PUBLIC WORKS REPORT:

Mayor Coody: I want to start off this evening with a quick over view of our Public Works Department.

We have 132 employees. We have over 1,300 miles of infrastructure to take care of including 40 pumping stations, 511 fleet vehicles that register almost 3,000,000 fleet miles a year. The annual revenue for this department is about \$11.5 million in water revenues and almost \$10 million in annual sewer revenues. We have an annual budget of almost \$23 million.

It takes roughly two years from the time we identify the need to the time that we can actually complete a project.

Mayor Coody gave an overview of the Capital Projects and their status. He said we have approximately \$41 million in capital improvement projects in process. Mayor Coody stated that we're basically spending 23 cents per person per day for the Fayetteville residents on our streets, public works, and engineering.

The Public Works Department has been able to take the capital improvement projects that the City Council has approved for this year and complete them. We have also been able to take a lot of the capital improvement projects that have been rolled forward year after year and we're getting those completed too.

I wanted to let everyone know what a good job our public works department is doing, especially Mr. Boettcher who has been able to bring us forward quite a bit.

Alderman Santos: Good report.

CONSENT:

APPROVAL OF THE MINUTES

MOTOROLA: A resolution awarding a contract to Motorola in the amount of \$52,118.05 to add a radio console in the 9-1-1 Dispatch Center.

RESOLUTION 148-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

ARKANSAS FORESTRY GRANT: A resolution approving a 50/50 matching grant for \$20,000 to install Structural Soil for the Dickson Street Enhancement project. The grant is through the Arkansas Forestry Commission. In addition, approval of a budget adjustment.

RESOLUTION 149-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

WALKER PARK: A resolution awarding RFP 02-13 for Walker Park north playground to Arkoma Playgrounds and Supply, LLC in the amount of \$60,000.

RESOLUTION 150-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

SKATE PARK: A resolution awarding Bid 02-42 and approval of a contract with C-TEC, Inc. in the amount of \$325,884 plus a project contingency of \$32,588 for a total cost of \$358,472, and approval of a budget adjustment for construction of a skate park at Walker Park.

RESOLUTION 151-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Alderman Young moved to approve the Consent Agenda as read. Alderman Davis seconded. Upon roll call the Consent Agenda was approved.

OLD BUSINESS:

RZN 02-23.00: An ordinance approving rezoning request RZN 02-23.00 as submitted by Jerry Kelso of Crafton Tull and Associates on behalf of Lindsey Management Co. for property located north of Old Farmington Road and east of Futrall. The property is zoned C-2, Thoroughfare Commercial and contains approximately 19.39 acres. The request is to rezone to RMF-18, Medium Density Multi-Family Residential. The ordinance was tabled on the first reading at the September 17, 2002 meeting.

Alderman Davis: Mayor I spoke with Kim Kopeck today at Lindsey's and he requested that we once again leave this tabled this evening until the 15th.

Mayor Coody: Do you want to make it date certain for the 15th?

Alderman Davis: Yes, sir.

Mayor Coody: We'll go ahead and table this until the next meeting on the 15th please. Thank you.

This Ordinance was tabled until the October 15, 2002 City Council meeting.

TRAFFIC STUDY: A resolution awarding the engineering and planning services contract for the City of Fayetteville's traffic study to the firm of Bucher, Willis, and Ratliff Corporation in the not-to-exceed amount of \$198,408; approval of an engineering contract contingency in the amount of \$20,000 and approval of a budget adjustment. The item was tabled at the September 17, 2002 meeting.

Mayor Coody: We have amended this to put more emphasis on alternative transportation. We can approve the original contract as was presented or we can approve the original contract with the added scope of work.

Greg Boettcher: It took sometime to prepare the changed scope. We reviewed that in-house to make sure we addressed the multi-module issues and that we made it comprehensive to all issues that were important to the Council, or at least as best that we could interpret. We sent it to the consultant and they reviewed it. We just received a response from the consultant for the optional Task 30 which is to study issues of our transportation routes, areas that could be used as alternative transportation modes. The cost would be \$20,980 I believe. We did not ask the consultant to be here tonight because obviously it would be inappropriate for you to try to read that and ask questions. If the Council is comfortable with it, we can proceed with accepting the contract with this optional task. If the original is acceptable and you wish to deliberate this optional task I assume that you could authorize the base work that we originally presented and review this at the next Council meeting. We were not able to get this out in advance so as far as this optional task I'm sure that needs to be reviewed.

Alderman Reynolds: My constituents called me and they're upset because in 1992 we paid for a traffic study through the City Council and never got any results of that study in 1992. Are you aware of a study in 1992 or the results of it?

Greg Boettcher: Yes. I don't have the information with me but I recall sometime ago we went through that study with Perry Franklin and I think a large number of the improvements that were set out in that as I recall were completed. There are a number of activities that have to do with State Highways or some very large projects that were not completed. The study is some ten years old and it was used. Over 10 years of traffic volumes, development patterns have changed which means we need to rethink that.

Obviously, some of the projects that weren't built in 1992 need to be reevaluated. Are they truly the priority now for our transportation system or are there other routes that we should be looking at. I think it has aged quite a bit through that period of time with rapid development.

Mayor Coody: Mr. Boettcher, since Mr. Beavers was here during that time period and for the last 10 years, could you please address Mr. Reynolds concern?

Jim Beavers: Yes sir, I'll try. I don't think I can do as good a job as Mr. Boettcher just did. We did the study in 1992 with a firm out of Dallas. The study was published. They set our priorities for our CIP. We did go through that recently and looked at the projects that we've completed and we've completed several of those projects. The land use patterns in Fayetteville have changed and we need to proceed with a new study to reflect both the current and projected traffic flows in Fayetteville.

Mayor Coody: So Mr. Reynolds I think that if your constituents are concerned that we haven't done anything with the traffic study I hope that you will be able to correct them and say the traffic study was the basis if I understand correctly for the priorities in the work we've done for the last 10 years to solve a lot of the problems that we addressed in that study. Is that right?

Jim Beavers: Yes there was a basis and it was true in 1992 and true now. We would use the traffic study that set the priorities for the CIP program.

Alderman Reynolds: How many results did we have from that '92 study that we completed?

Mr. Beavers: Sir I've not reviewed it, it would take some period of time if you would like to do that.

Alderman Davis: I was the alderperson last week that asked for the 1992 traffic study because I just wanted to make sure it wasn't on the shelf somewhere collecting dust. I appreciate you all putting it in my box for me to look at. On the first page there were 12 items listed and seven of them were not able to be completed due to the fact that they are State Highways.

My concern for the traffic study is that I can see a lot of it is going to the exact same things. I wonder what we're really gaining out of this if we're basically going to get the same information that we had before and find out without the State's cooperation we really can't go anywhere, except for some minor streets. I am not sure where we're going with this and how beneficial it's going to be for the citizen and if we're not just throwing money out the door to get the same results. I think we can go ahead and add the additional feeder beside the road to make a bike lane without having an additional study to pay for that cost once again. Every road should have a sidewalk close to it so the people can get around the community.

We have a master trails program that we're bringing forward through the proper channels and hopefully the first of next year it will be adopted. So I don't really know that we really need to spend the additional dollars for a bike lane study if we know what roads we need to expand to give bicyclist another opportunity to ride their bikes without having vehicular interference. I question if we need to spend the additional \$20,000 and I

question if we need to go ahead and spend the other money for the simple reason a lot of these streets are State Highways.

Mayor Coody: Do you all have a response to the State Highway argument versus this new study we're considering and how the State Highways would play into that?

Jim Beavers: That's only one component of the study; you've left out the intersections, the traffic calming, and the neighborhood concerns. They will look at the arterials again but with the change in land use. This new traffic study is looking at 100 intersections for intersection improvements; we've added smart growth, the neighborhood concerns and traffic calming. The scope of the proposed 2002 study is far beyond that of the 1992 study.

Mayor Coody: The thing that concerns me, if we don't want to spend money now for a traffic study that could help us alleviate some of these problems and forecast where our major problems are going to be down the road, then I don't want to be in a position of basically saying yes traffic congestion in 2002 is a primary concern and we fail to address the needs which we know we will see in 2010 and 2020. That's the thing that concerns me. I don't want to waste money either but again I think we need to have some kind of planning document to know where we're headed. We need to try to alleviate traffic congestion before it starts. I think that if we could do that I think the citizens would be a lot better off.

Alderman Davis: I concur with what you are saying but you will find turn lanes that haven't been completed that were mentioned in this '92 study. You have a document that says that they need to be done but they haven't. I'm not sure how we're really improving this. We would be better off to take those dollars today and do what has not been completed in-house versus paying an expert.

Alderman Santos: There's no way it's possible that priorities haven't changed since 1991 when they started this study. As far as Bob's concern about all the projects not being finished, of course we don't have all of them completed; we've got a 500 year plan here not a 10 year plan. All the projects aren't going to be built but we need to know what priority we need them in and how we can get state and federal money to work on the State Highways. The Northwest Arkansas Regional Transportation Study is a process where we go up there with the representatives from the other communities in Northwest Arkansas and pretty much barter off whatever the pool of money is. You'll see if you'll look on there that our highest priority projects we have completed because we knew what our highest priority projects were when we went up there to the meetings. I think those priorities have changed. Have you seen the Regional Transportation Study? We only get three projects every ten years.

Alderman Reynolds: That's all we're going to get from this study is three projects probably for \$244,000.00.

Alderman Santos: We'll spend our money more wisely if we know where to spend. It will help us to make land use decisions when rezoning comes before the Council. We need to consider that when making land use decisions that they're transportation decisions too.

Alderman Marr: I support the study because I think one of our weaknesses as a Council is setting priorities. This is a method by which we could use to do it. It may be limited to three, it may be five but I do think it's a beneficial tool to go to the state department. I think we have to ask ourselves what probably other Council's had to ask themselves. Are we disciplined enough to follow it.

I understand your point Bob about not feeling like it's worthy to pay \$24,000 to add the other items that we talked about. In the poor example of the traffic study that Kevin talked about there is one example in it and I think its good, "the process of developing the plan addresses a number of community issues". Environmental constraints, available funding, improvement schedules by other agencies, the cost and the effectiveness of alternative transportation plans and future needs. We look at everything on a case by case basis.

I also think that in the Task 30 where it talks about analyzing the present and future needs of the University of Arkansas Campus. To do a transportation study and to not have that component to me is crazy, it's a major part of our city, and it's a major part of our ward. Existing historical residential neighborhoods and neighborhood calming issues, is one of the top issues I hear from Wilson Park, Washington Willow and it needs to be in there.

Alderman Young: The last time when the consultant was here he referred to the State Highways as roads and you've got to study those in the total context. I think he mentioned something about how his focus was going to be more on the local roads.

We also mentioned last time possibly reducing some of the other aspects of it so we wouldn't have an increase. Do you feel that there's no other place that we could eliminate something in the other scope of services to equal it all out?

Greg Boettcher: Well I think the first question was, "were we going to focus on highways other than state highways" and that is correct. They were going to identify the major collectors and we had some additional streets that we had designated that they would look at that carry large volumes of traffic and those would be included in this scope of the study.

Alderman Young: Was there anything else you could eliminate rather than have an increase of \$21,000?

Greg Boettcher: We sat down with the consultant and we negotiated it down to the current value that it has. I will say the study includes a review of our Master Street Plan. It does look at future land use and project traffic volumes. It does include looking at neighborhoods and working towards a policy for traffic calming. It includes some

planning functions, the smart growth issue on looking at that aspect of it. I don't think there is anywhere that we can give anything up. We did try to include a reasonable level of public meetings, public involvement. Many of the people in town know where the problems are, they know where they have difficulty getting to and from. The issue of the study is to meet with the public, look at traffic counts, validate that the traffic engineering correlates with what the citizens feel are problems. I think that's the input aspect of it but then the technical side that we look at with the consultant is how do we fix the problem. You know a couple of things that I also think are important is that it is a 10 year study. The costs are 10 years old and we're going to have to update them.

Alderman Davis: Its not that I'm against or for the study, I want us to look at the positives and negatives before we actually make a decision, that's why I brought a lot of those items up.

Alderman Bechard: The frustration with the funding mechanism is that we go do this study and then we don't have the dollars to go fix the problems if you will, I think as part of this we should challenge ourselves to look for funding mechanisms so that when we get the study back maybe we can go identify the top seven versus the top three.

We have to recognize that right now our market is not what we'd like it to be but at the same time interest rates are extremely low.

I do support the \$200,000.00 investment. I question though passing the \$20,000.00 tonight and it's not because of the \$20,000.00 investment it's because the consultant is not here to answer the questions that Don has articulated. I would want to know the concerns that you have are in fact going to be taken care of for that \$20,000.00. I want to hear from them directly before I go spend that money. Who knows, we may come back and say let's go spend \$40,000.00 because they can do more than we thought or we may say let's not spend any money because this clearly isn't a core competency of theirs.

Alderman Marr: This optional Task 30, Alternative Transportation Elements we were handed at agenda session, was that forwarded to the consultant's that we're considering for hire?

Greg Boettcher: Yes.

Alderman Marr: So their pricing of \$20,980.00 came from the review of that task item.

Greg Boettcher: Yes.

A conversation followed on the cost of the additional items and what is included in the cost of the study.

Greg Boettcher: The consultant has made probably three or four trips here from Kansas City and he doesn't have a contract yet. I thought it would be inappropriate to have him here to answer questions when you have not had time to look at the information and

formulate them, particularly on the additional task. Should you have questions it would be best if they could be relayed to us in some fashion and that way the consultant could come prepared.

I know, one thing on this smart growth that I would like to touch upon. The original scope dealt on a policy level developing some strategies and concepts you might say at a very over reaching, overall basis. The thing that we are looking at in this optional Task 30 is specifically studying certain routes and areas and trying to apply some of the other concepts plus actually looking at some of our routes. It involves meeting with the various entities that have mass transportation that we currently use and looking at their needs. So it's a much more of a ground level type involvement in a certain area rather than just some over reaching policy type development.

We have worked with planning in developing these scopes and do think the scope is considerably expanded over what we've looked at in the past. We've tried to bring planning into it and integrate that together and look at the Master Street Plan, land use and those types of things. As far as their resources and capabilities, they do have a staff of planners. We are bringing in planners, in their costs they are allocating hours for planners to be involved not traffic engineers.

Alderman Thiel: I've had some people contact me that are concerned about going over Mt. Sequoyah and of lengthening Garland all the way through. Those are things we probably won't be able to touch after they tell us that those are things that we should do. The four lanes that they recommend, we haven't done any of this. They're prioritization of recommended roadway improvement projects in '92 were basically four lanes and that's probably what we need, but they were all on State Highways. I'm just confused as to what this is going to show us for \$200,000.00.

Alderman Santos: We're going to have planners here and we're going to have public input and they're going to find out what's acceptable in this town. I'm fully supportive of the study. I think we need it but I'd like to move to table this item until we get the full scope and have a chance to review it and have the consultants here to talk to us.

Alderman Santos moved to table the resolution. Alderman Marr seconded.

A discussion followed on the study.

Steve Frankenberger, 414 West Prospect Street: First I'd like to state that I'm not against the traffic study. I believe what is truly needed is for the city to make a fundamental change in the way that it looks at traffic. We currently see traffic only from the point of the motorist. The impact of outrageous, unsafe levels of traffic on residential streets through several Fayetteville neighborhoods is not considered. It's time for the city to take partial responsibility for causing this problem and it is time for this city to make a commitment to take full responsibility for fixing this problem. Unless you are prepared to do so a traffic study is not going to help at all. I feel we must speak out and insure that the city is doing the right traffic study.

The scope should be broad enough that it answers mass transit, trails, and sidewalks. The scope should be narrowed so that solutions such as routing more traffic through neighborhoods must not find our way into that mess. We need to specify that upfront before we start. My neighborhood believes that any study that does not address the problem of the current traffic levels on residential streets is a waste of time, money and general failure on the part of our government to govern.

Mr. Frankenberger voiced his concerns about the current traffic problems on residential streets.

Mayor Coody: Thank you very much. I might add that if we weren't serious about trying to tackle some of the traffic problems we wouldn't even be considering this.

Robert Brandon a resident of Wilson Avenue voiced his concerns about the heavy traffic in residential areas and the safety hazards that are posed by the current traffic in residential areas. He said we should determine what needs to be corrected before we design a study. He suggested that we make certain basis decisions about neighborhoods that need to be protected and that we design our traffic study around that.

We should make decisions about what we're going to protect and what we're not and then direct the planners and the engineers and these folks in the study to design traffic control devices, signaling devices, directional signaling devices, one way streets, medians that are continuous so turns can not be made, to accomplish those objectives. We have to think where we want the traffic to go and what is it going to take to make it go there.

A discussion followed on the traffic study and what would be included in the study.

Jim Beavers: The scope that we've negotiated today includes time for public meetings. This study will give us policies and warrants for closing streets to add traffic calming.

Kevin Santos: The Northwest Regional Planning Commission has invested in building a model so they will have a model available so we can do "what if" scenarios. So we will have that resource available to us too.

Jim Beavers: That's one reason we did not add a model to our scope of the contract. The Regional Planning Commission will be coming to the city to ask us to participate in the cost of the regional model. It is probably a year or two away to have that model up and running.

Mayor Coody: This administration doesn't like to make decisions in a total vacuum. I think the days of having studies done without public input are over. I think this will help to solve problems before they're generated.

Alderman Santos: Can you provide us with a copy of the expanded scope before the next City Council meeting?

Gregg Boettcher: Yes. We'll have the consultant modify the contract to include Task 30 as an optional task and integrate it all together as a single contract and then we will present that to the Council.

Alderman Thiel: One of the things that we discussed was that we felt like there wasn't enough clarification or details in what this encompassed, can they provide more details on the smart growth issue?

Greg Boettcher: We'll have those expanded upon.

Alderman Thiel: Also on the traffic calming procedures possibly. That's some of the issues that I think are not as cut and dried. I think most of these are summarized pretty well.

Greg Boettcher: If there are some questions would you let me or Mr. Beavers know so we can write them down. The consultant can come much better prepared to answer the questions if we know what they are.

Alderman Thiel: Okay.

Alderman Marr: Are there neighborhoods that we're going to direct as being protected areas? Does the administration have policies on the east/west corridor and where they are looking at targeting? I would like to hear what we've traditionally done and how you see addressing the political nature of the issues that were talked about tonight.

Mayor Coody: As far as I would be concerned, the Council sets policy. So if you set the policy that we do a priority of streets and concur with a plan or make changes to a plan then it would be our responsibility to carry out that policy. So there will be some political pressure because as we alleviate traffic from one area we're going to increase it some place else and that's where the political heat is going to come from. If the Council basically bows to pressure then we're never going to get anything accomplished. If we stand up and say that for the long term good of the community we have to cause some problems here and we have to make some people unhappy in the short term to solve problems in the long term.

Mr. Davis: That's why this program has public input meetings so that the public can come together and tell these individuals what their concerns are. I think it is very important if we decide to do this program that we have public input.

Alderman Santos: Well we're off to a good start with this public input.

Alderman Marr: Is there a current policy in place that we don't want roads over Mt. Sequoyah?

Mayor Coody: As a matter of fact there's an ordinance that was passed in 1995.

Kit Williams: Actually it was a resolution. It was passed I think unanimously by the City Council at that point in time after several meetings.

Alderman Marr: Is there a resolution on Wilson Park neighborhood, not to carry traffic through that neighborhood?

Kit Williams: I don't think there is.

Alderman Marr: And what about Washington-Willow from Maple to Lafayette Street.

Mayor Coody: I've talked to the Highway Department about the idea of widening Lafayette. I let them know that we don't think that's a good idea. The Highway Department has agreed that widening Lafayette that dead ends basically into College Avenue that that isn't the best use of their money, so they'd like to rethink their position of widening Lafayette through the historic district.

Alderman Marr: So it is my understanding that it's our job as Aldermen, if there is not a current policy and we think that there should be one that we should bring forward a resolution?

Kit Williams: Lafayette was actually downgraded during the Last Master Street plan from an arterial road that could be widened to a collector street based upon the comments of the neighborhood. So there already has been a response in the form of a resolution by adopting the Master Street Plan at that point in time.

Mayor Coody: Mr. Marr's question was, is it the Council's role to form policy by approving a resolution to take care of traffic problems.

Alderman Santos: The Master Street Plan was passed by resolution so it does show that Lafayette would not be widened, that the four lanes would continue across North Street.

Alderman Marr: And the same for Wilson Park?

Alderman Santos: The same for Wilson Park. We had in the neighborhood of 30 public hearings on that Master Street Plan, it was passed by resolution as part of the General Plan, and I would say that is setting policy.

Mayor Coody: I'd think so.

Alderman Marr: If that is the policy how do we explain to individuals that reside in Wilson Park why Wilson Avenue has traffic count 1,000 percent higher than what the road and Master Street Plan says it should be.

Alderman Santos: We show on the Master Street Plan that we'll extend Arkansas Avenue to North Street which would alleviate some of that but it hasn't been done yet.

Hugh Earnest: That is an urban area and that certainly is a connection that we should seriously look at. We have in this study, as an element, to sit down and discuss with the university those issues and areas that are important to them.

Alderman Bechard: I would suggest that we wait to go do this study before we start making decisions, because if we start right now trying to pass rules then I guarantee you my neighborhood is going to call and say "they're using this street to go through our neighborhood. What I would recommend is that we slowdown and we get the study. It is incumbent upon us as a City Council to share our concerns. I think those are things that we as leaders need to say that we want your help; we need to fix this problem, what is your recommendation? Let's try our best to hold on making taxable decisions until we have the information in front of us.

Mayor Coody: I'll echo that because immediately everyone is zeroing in on a specific street in a specific neighborhood. If a policy is brought forward it needs to be comprehensive citywide not just little pockets here and there, if you're going to make this policy for this kind of street you have to remember that it's going to apply to all those similar types of streets.

Mr. Brandon: I would like to clarify what I was trying to say. I would very much like for the chief executive of the city to make a policy pronouncement of a general concept what this executive administration supports with respect to protecting neighborhoods and I would like the City Council to do the same thing. Are we going to suggest that when we identify residential streets that are subjected to inappropriate traffic levels that we are going to direct the resources of the city to ameliorate that problem?

Mayor Coody: We have a motion and second to table this item. Shall the motion pass?

Upon roll call the motion to table the resolution passed unanimously.

SETBACK LINES: An ordinance establishing setback lines on such streets and highways as designated on the Master Street Plan and prohibiting the establishment of any new structures or other improvements within the setback lines. The ordinance was left on the first reading at the September 17, 2002 meeting.

Alderman Santos moved to suspend the rules and go to the second reading. Alderman Davis seconded. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

Alderman Santos moved to suspend the rules and go to the third and final reading. Alderman Jordan seconded. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

Alderman Davis: Tim could you come up and tell the public what we're actually doing?

Tim Conklin: Over the years we've required setbacks based on the Master Street Plan future right-of-way requirements. Any development that is less than an acre does not go through what is called large scale development and therefore we do not get right-of-ways dedicated for future street widening. The Planning Division was challenged on that about a month and a half ago, with regard to do we actually have an ordinance that established our setback lines based on the Master Street Plan. We do not have that type of ordinance. I put together that ordinance with the help of our city attorney's office. This will enable the Planning Division to approve projects administratively and require for example, if you have a new development with a parking lot to be setback based on the Master Street Plan, to have the same right-of-way that a development with over an acre would have, this will make it consistent along our roadways.

With regard to the previous discussion. We did also amend the Master Street Plan to only require 50 foot of right-of-way for historic collector streets.

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

ORDINANCE 4422 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RAZE AND REMOVAL: A resolution approving a raze and removal of house at 1200 S. Roberts as per Ordinance 3948. The item was tabled at the May 7, 2002 meeting.

Alderman Davis moved to take the resolution off the table. Alderman Jordan seconded the motion. Upon roll call the motion passed unanimously.

Kit Williams: I'd like to thank the Council for your patience on this particular case. This house was very dilapidated, it could not be saved and it was an eye sore in that neighborhood. However, you gave plenty of time for the owner to actually sell this house to someone else who then cleaned it up; they have taken the house down and moved all the trash away. This property has been cleaned up therefore this resolution is not needed. This has been a victory for the code enforcement officers. I appreciate you all being patient and giving the new owner enough time to satisfactory clean up the property.

Alderman Davis moved to deny this resolution since the property has been cleaned up. Alderman Jordan seconded the motion. Upon roll call the motion passed unanimously.

NEW BUSINESS:

RZN 02-27.00: An ordinance approving rezoning request RZN 02-27.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Lenwyn Edens for property located southeast of Wedington Drive and Brooke Lane. The property is zoned A-1, Agricultural and contains approximately 6.10 acres. The request is to rezone to RMF-6, Low Density Multi-Family Residential.

Mr. Williams read the ordinance.

Mr. Jorgensen: My name is Dave Jorgensen and on behalf of the owner I'm here to answer questions on this and help this through the process. This has been approved by the Planning Commission. This property was brought into the city in 1982 as A-1 and it already had the duplexes on it. We'd like to cleanup this neighborhood. There is one duplex that has burned down. Rather than bringing in R-2 we've consulted with the Planning Department and they suggested that one half is too dense and that's the reason for the request for RMF-6.

Alderman Thiel: The duplex that burned is still standing and it's a real safety hazard. The dirt drive I think is substandard. I think that our fire chief in fact said that it's not up to city standards. I'm concerned if we approve this rezoning, what assurance do we have that the burned duplex will be demolished and that the street will be brought up to some kind of standard?

Mr. Jorgensen: Concerning the duplex that has burned, a building permit was applied for to tear the building down and rebuild it. In the process, they discovered that it wasn't rezoned. We couldn't go any further on that and as far as any other improvements that may be necessary that is something that comes with this whole deal. This is the first step in upgrading this piece of property. We have a prospective buyer that feels like she'd like to take this project on. She has improved some property on Betty Jo and did a fantastic job I might add.

Alderman Thiel: My question is who is going to tear that building down? That has to be taken care of pretty quickly because it's been like that for about three years.

Marsha Beard: I'm the potential buyer. I purchased ten four-plexes about two years ago on Betty Jo Drive and have spent the last two years bringing them totally up to speed. The first step is to get it rezoned. It will cost about \$200,000 just to tear down the existing building and start rebuilding it, that alone does not make the project profitable for me. The only thing that makes the project profitable for me is if I can take a few of the empty lots that are very large and after I go through the initial phase of totally redoing what's there and then rebuilding the duplex that is halfway there. The next stage would be building three four-plexes or four three-plexes.

We would put in a city standard street and sidewalks. This will not be profitable in at least the initial phase and probably not until you've gotten to the phase that you have some new buildings constructed to bring in some money. If we start talking about a major street development at this stage of the project it will make it cost prohibitive and I

will not be able to go forward with it. I will guarantee you that it will be cleaned up, look nice, and the type of tenants that you have out there are the type that will respect the property. I have about a 99% occupancy rate on my 72 places around town and that is because when you walk into my places they look new, if I can't walk in and want to live there, I don't put it up for rent.

Mayor Coody: I was just going to say you've really helped facelift a lot of the area of Fayetteville and we appreciate your efforts very much and it hasn't gone unnoticed.

Ms. Beard: Thank you.

Mayor Coody: We've all been grateful for somebody to take some of our blighted areas and transform them as you have and we hope you'll keep it up.

Ms. Beard: Well I'm trying to.

Mayor Coody: I know and I appreciate it.

Alderman Reynolds: I want to thank you for tackling the project out there. It's in dire need of your TLC.

Ms. Beard: Thank you.

Alderman Reynolds: And I want to thank you for tackling this because it's an area that needs to be loved a little bit and thank you very much.

Marsha Beard: Thank you very much. The thing I do think it has going for it is it is surrounded on three sides by the trees. You get this atmosphere that you're living out in the country and I don't want it to actually look like an apartment complex in the middle of Fayetteville that is not my goal. If you have driven down Betty Jo lately the ones that I own each one of them is unique. I plan on doing the same thing with this. I plan on giving them each their own personality and not go out there and paint them all the same color.

Alderman Jordan: In reading the notes of this from the Planning Commission and Chief Bosch from the Fire Department's point of view it says that it's a dirt road out there right now and it's a dead end street is that correct?

Ms. Beard: It's about 10 inches of chat they call it I believe.

Alderman Jordan: I understand that we would need a solid driving surface out there is that correct?

Chief Bosch: Yes it is.

Alderman Jordan: Would you explain that please?

Chief Bosch: Yes. Any type of development of that nature, I believe the City's Planning Department requires a solid surface, a hard surface. It would make it a lot easier for us to get our apparatus up and down that street if it was a hard surface.

Alderman Jordan: It says access to the building and proper turning radius for a U shaped street.

Chief Bosch: Yes sir. I believe in our current code it requires some type of a turn around, a cul-de-sac, or some type of turn around at the end of the block.

Alderman Jordan: You're going to add additional fire hydrants?

Chief Bosch: I don't believe there are any hydrants in the neighborhood right now are there?

Alderman Jordan: No hydrants?

Chief Bosch: I think our nearest water source is about a half mile back down east on Wedington.

Alderman Reynolds: There's one right behind the middle unit on the back road when I was out there. That's what I saw.

Chief Bosch: I'm not familiar with it.

Alderman Reynolds: On the east side on the street behind it.

Chief Bosch: Absolutely. That means we have to drive down the street attach to the hydrant and come up to Wedington, across and back down that street.

Alderman Jordan: I noticed that the response time is seven to ten minutes.

Chief Bosch: That's approximate. That's for the first arriving unit yes.

Alderman Jordan: Okay.

Chief Bosch: It depends on the time of day and the traffic. We are willing to work with her to try to assist her in meeting the needs on this project.

Mayor Coody: You might speed up your response time if you go through some neighborhoods to get there.

Chief Bosch: I don't want to go there.

Alderman Davis: Chief is the chip and seal, is it appropriate for your needs?

Chief Bosch: Tim knows more about this than I do.

Tim Conklin: I just asked our Public Works Director if a solid waste truck could drive on that and damage it, that's my biggest concern. Typically its not chip and seal it's an asphalt or concrete surface. Those trash trucks are very heavy especially if they are using dumpsters. I'm not sure what they will be using out here but my guess is the chip and seal will probably not be acceptable, I want to state that for the record right now. When they come through either subdivision or large scale development the Planning Commission is probably going to require something more than chip and seal and an adequate turn around at the end. Probably a 40 foot radius at the minimum.

Alderman Davis: Will this have to go through large scale since it is already there?

Tim Conklin: With regard to fixing it up right now and just getting the existing building torn down, no, the actual paved surface and street will be required at the time any additional units are placed out on that site. Should you rezone it, we will issue permits to do the renovations to the existing units but any new units would require either large scale development or even rebuilding the burned building.

Alderman Davis: Anything that is done out there would definitely be an improvement to what is there right now. I think you're probably in agreement with that.

Tim Conklin: I'm in agreement with that but I also have a lot of concern about our trash trucks going down there the first time and tearing apart a chip and seal street. I'll be more than happy to work with her and the Planning Commission will have to work with her also but we do want to make sure that from a long term maintenance that if trash pickup is going to be going down that private drive that the surface that's being constructed out there is going to be able to handle a trash truck.

Alderman Reynolds: Mayor, I guess we need to talk to the State Highway Department because I own property on North Garland and the last street that was constructed there was chip and seal.

Tim Conklin: I'm just sharing with you my past experiences with development.

Alderman Reynolds: If we don't help this lady with this project its going to stay just like it is. That sale is not going to go through and the gentleman that owns this is going to leave it just like it is with no improvements and I don't think that's right.

Alderman Davis: That's not good for Fayetteville.

Tim Conklin: I understand that.

Alderman Marr: I think this one would be a great one for the Planning Commission to tour because I think if they look at the pictures of what this proposed buyer has done and

then I think they'll be thrilled to get that kind of development. I do think it brings up a good point that Alderwoman Thiel brought up earlier and that should this not go through because of some reason there is still a burned building on the property that has been there for over two and half years. I have difficulty voting for something that's in noncompliance. We have code enforcement about a house that has burned to a certain level and needs to be torn down. You have a permit; you can't tear it down until you build it. I do think that we have a safety issue.

Alderman Jordan: I would like to leave this on the first reading.

Alderman Marr: I think it's a great project.

Mayor Coody: We do want to help because what you're doing is exactly what this town needs. Thank you very much and we want to do what we can do to be helpful and not put up any barriers.

The Ordinance was left on the First Reading.

OUTDOOR MUSIC ESTABLISHMENT: An ordinance creating Use Unit 35, Outdoor Music Establishment, in Chapter 162, Use Conditions, and adding Use Unit 35 to C-1, C-2, C-3, and C-4 zoning districts in Chapter 161, Zoning Regulations, of the Unified Development Ordinance.

Mr. Williams read the ordinance.

Alderman Santos moved to suspend the rules and go to the second reading. Alderman Marr seconded. Upon roll call the motion passed unanimously.

Alderman Santos: This is just kind of housekeeping, tidying up the ordinance that we already discussed in detail in the past.

Mr. Williams read the ordinance.

Alderman Santos moved to suspend the rules and go to the third and final reading. Alderman Jordan seconded. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

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

ORDINANCE 4423 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RIGHT-OF-WAY DEDICATION: A resolution reducing the right-of-way dedication from Wedington's centerline and Betty Jo Drive's centerline to 43' on Wedington Drive (a 12' reduction) and 25' on Betty Jo Drive (a 10' reduction) as submitted by Charles

Nickle and Robert Nickle for property located between Marvin Avenue and Betty Jo Drive south of Wedington Drive.

Alderman Santos: Mayor, I think that our right-of-ways are excessive in a lot of cases and this is one of those cases. In this case the Highway Department, Planning Staff, and the Planning Commission agree with me too.

Alderman Santos moved to approve the resolution. **Alderman Jordan** seconded. Upon roll call the resolution passed unanimously.

RESOLUTION 152-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

MEETING ADJOURNED AT 8:10 P.M.

2002 OCT 11 AM 11:00
CITY CLERK
ADJOURNED