MINUTES OF A MEETING OF THE CITY COUNCIL NOVEMBER 5, 2002

A meeting of the Fayetteville City Council was held on November 5, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

CONSENT

APPROVAL OF THE MINUTES

ANIMAL SHELTER: A resolution awarding a contract to Airworks for the renovation of the HVAC system at the Fayetteville Animal Shelter in the amount of $24,050, plus a 5% contingency amount of $1,203, for a total amount of $25,253; and approval of a budget adjustment.

RESOLUTION 166-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

SUPERIOR INDUSTRIES: A resolution approving a pass through grant agreement.

RESOLUTION 167-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

CRUSE UNIFORMS: A resolution awarding Bid 02-62 for Raingear to CruseUniforms.

RESOLUTION 168-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

PERSIMMON PLACE: A resolution accepting money in lieu of land dedication for Persimmon Place Subdivision.

RESOLUTION 169-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

AIRPORT GRANT: A resolution approving two grant applications from the Arkansas Department of Aeronautics and an amendment to Department of Aeronautics, Grant No. 1877-02, for additional funding for construction of executive aircraft hangar apron south of the terminal building and entrance road relocation. Total of grant funding request is $205,782 and approval of a budget adjustment.

RESOLUTION 170-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

BAYYARI PARK: A resolution awarding Bid No. 02-59 to R.J.R. Enterprises for playground equipment and installation at Bayyari Park in the amount of $38,000.

RESOLUTION 171-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Alderman Jordan moved to approve the consent agenda. Alderman Bechard seconded. The motion carried unanimously.

OLD BUSINESS

DEVELOPMENT PLANS AND PERMIT: An ordinance amending Title XV: Unified Development Ordinance of the Code of Fayetteville, to provide a date certain for the expiration of approved development plans and permits. The ordinance was left on the second reading at the October 15, 2002 meeting.

Alderman Santos moved to suspend the rules and move to the third and final reading. Alderman Jordan seconded. The motion carried unanimously.

Mr. Williams read the ordinance.

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

ORDINANCE 4431 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

NEW BUSINESS

1865 HANSHEW STREET: A public hearing to consider the raze and removal of a house located at 1865 Hanshew Street.

Mr. Hugh Ernest stated the work that needed to be done on the site had been done. He saw no reason to continue with this item.

NO ACTION TAKEN. THE ITEM WAS REMOVED FROM THE AGENDA.

MARTIN LUTHER KING, JR. STREET: A resolution to change the name of 6th Street to Martin Luther King, Jr. Street.

Mayor Coody read a resolution proposing to make 6th Street Honorary Martin Luther King, Jr. Boulevard. This would not require the property owners to change their addresses, but would still acknowledge MLK.

Alderman Reynolds stated he had spoken with several people that thought Razorback Street would be a better street to rename.

Mayor Coody did not believe the University would be willing to change the name of Razorback Street.

Alderman Bechard stated he fully supported the Mayor's proposal to make 6th Street Honorary Martin Luther King, Jr. Boulevard.

Mr. Gary Lowery, an area resident, stated according to the city council's policies, street name changes were to go thorough the Planning Commission first. He suggested that they follow their own policy and procedures.

Mr. Jack Meadows, an area resident, stated if they wanted to honor the man they could pick a better street, one with better scenery.

Mr. David Garcia, an area resident, stated he was in favor of honoring MLK, but he felt they should change the name of the street rather than making it an honorary designation. He thought this item should go through the full process.

Alderman Santos moved to table the item to the next meeting. Alderman Marr seconded. The motion carried unanimously.

Mrs. Edith Hawkins, MLK Committee, stated they had identified historical areas within their city which would memorialize Martin Luther King.

Mr. Farrell stated he was concerned about the lack of input from citizens on an alternative street. He suggested they consider Garland Street.

THE ITEM WAS TABLED.

CRYSTAL SPRINGS: A resolution amending Resolution 153-02 to exempt that portion of the 600' buffer strip north of Clabber Creek lying west of Deane Solomon Road and to authorize the sale of such property.

Mayor Coody stated this connection had been planned for years. They were asking the council to exempt the street right-of-way from the buffer strip.

Mr. Tim Conklin, Planning Director, stated the plat for Crystal Springs was currently in process and had been held up until the issue was resolved on the buffer. The developer had purchased property in 1995 from the golf course in efforts to meet the city's requirement for connecting to Deane Solomon. They have been working over the years to make sure that they provide alternative ways in and out of the subdivision. In 1995 the Planning Commission required the developer to find a way to connect to Deane Solomon as a condition of approval.

In response to questions from Alderman Thiel, Mr. Conklin stated the developer had requested to purchase the city's land so that he could plot lots to sell in order to help pay for the cost of the street. If the city did not allow the connection to Deane Solomon, then the subdivision would have to be redesigned. Most likely there would be a cul-de-sac.

Alderman Young stated there were two questions. The first was did they allow the connection to Deane Solomon. The second question was did they sell the property.

Mr. Williams read the resolution.

Mr. Williams stated if the city were to sell the land it would still go through their process. This was not an offer and acceptance. The resolution was authorizing the Mayor to negotiate the sell of the land.

Alderman Santos moved to remove Section 2 from the resolution. Alderman Thiel seconded. The motion carried unanimously.

Mr. Mel Milholland, Milholland Engineering, stated this project had begun in the 1990's at the direction of the Planning Commission they had modified their plans and purchased additional land to accommodate the city's requirements. They had acted in good faith. He asked if the city would consider a cost share across the city's portion of the land or allow them to purchase the property.

Alderman Marr asked if this would be the only change to the buffer zone.

Mayor Coody stated this would not be the last one. The buffer zoned had been approved the first night that it was brought forward. The staff had not had a chance to look at it. There was also a sewer line that crossed the land and Trucker's Drive was on their Master Street Plan.

Alderman Reynolds stated he had been on the Planning Commission when this project came through. They needed that access for safety.

Mr. McKinney stated if the task force had known about these issues they would have considered them. They did not know about the access requirement for Crystal Springs when they developed buffer zone.

Mr. Gary Lowery, an area resident, stated the city needed to begin to think forward. They needed to widen their streets and make the developers build the roads.

Ms. Andrea Radwell, an area resident, stated the task force had not been told about these issues. She expressed concern about the sewer line disturbing the Arkansas Darter.

Mr. Jim Bemis, an area resident, stated there was a lot of activity going on the north. He suggested they take more time to consider this issue. This proposed street would turn into a collector street running by the school.

Ms. Fran Alexander, an area resident, stated when they were discussing the sale of the lots, the eleven acres was designated as industrial for the business park that was what the public thought it would be. When they start discussing changing the use of the land and making it residential the public has not been told that the use has changed.

Mr. David Garcia, an area resident, stated there was an issue of trust that he was having a lot of difficulty with. He asked them not to approve the resolution tonight. He did not like surprises. He questioned why the task force had not been told about these issues.

Ms. Jennifer Price, an area resident, stated the home owners association was concerned about the road. They would like to see the connection. They were concerned about the additional cars going past the school. They were also concerned about the fact that the proposed street was straight. They would like to see alternatives to keep people from using this as a through street, increasing the speed.

Mr. Jeff Bailer, an area resident, stated they were concerned about the increased traffic coming past the school. He would like to see the city work with the developer and make the connection.

Ms. Shay Laster, an area resident, stated this street connection would be a real issue down the road when it becomes a collector between Deane Solomon and Salem. She suggested that they improve Deane Solomon also. She believed it was a dangerous street.

Alderman Thiel moved to table the item until the next meeting. Alderman Jordan seconded. The motion carried unanimously.

THE ITEM WAS TABLED.

SOLID WASTE CLERK: A resolution eliminating the part-time clerk position and creating a full-time clerk position in the Solid Waste division.

Mayor Coody stated the department had so many calls coming in that they could not handle them.

In response to questions from Alderman Marr, Ms. Carol Hill stated they were using the Hansen system, but they still needed to have one on one contact with customers, as their business increased in the roll-off sector their need would be increased.

Alderman Davis stated he could not support this because of the money they had spent on Hansen.

Alderman Young stated the council had voted to automate, now they want a full time position. They needed to stick to their path.

Mr. Gary Lowery stated they needed the staff in this department.

Alderman Santos moved to approve the resolution. Alderman Reynolds seconded. The motion failed by a vote of 2-6, Santos and Reynolds voting yea.

PLANNING COMMISSION APPEAL: An appeal of a Planning Commission decision regarding LSD 02-21.

Mr. Hugh Ernest read a statement regarding the appeal of the Planning Commission's decision. He recommended that the City Council approve the appeal.

Mr. Anshem Behim, an area resident, stated he was concerned about the lighting and the possibility of drivers being blinded when coming off the I-540 exit.

In response to questions regarding lighting, Mr. Don Nelms stated the light intensity was going to be less than the existing lighting. This was not his project. He was leasing the land, however, they were willing to meet the future standards, not the existing standards.

Alderman Young asked Mr. Nelms if they were in agreement with the conditions of approval.

In response to questions, Mr. Conklin stated it was their understanding that the area would be used for storage and over flow.

Alderman Davis moved to approve the appeal subject to the conditions of approval. Alderman Bechard seconded. The motion carried unanimously.

RESOLUTION 172-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

PLANNED ZONING DISTRICT: An ordinance establishing zoning district that permit the combination of development and zoning review into a simultaneous process and to eliminate Section 166.06 Planned Unit Development.

Mr. Williams read the ordinance.

Ms. Shelly Rushing, Associate Planner, explained the major points in the proposed ordinance.

THE ORDIANCE WAS LEFT THE FIRST READING.

VA 02-5.00: An ordinance approving vacation request VA 02-5.00 as submitted by the City of Fayetteville for property located at 302 W. Prospect. The request is to vacate a section of the utility easement.

Mr. Williams read the ordinance.

Alderman Jordan moved to suspend the rules and move to the second reading. Alderman Santos seconded. The motion carried unanimously.

Mr. Williams read the ordinance.

Alderman Santos moved to suspend the rules and move to the third and final reading. Alderman Jordan seconded. The motion carried unanimously.

Mr. Williams read the ordinance.

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

ORDINANCE 4432 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

VA 02-11.00: An ordinance approving vacation request VA 02-11.00 as submitted by the City of Fayetteville for property located at 3868 Sunbest Drive. The request is to vacate a section of street right of way.

Mr. Williams read the ordinance.

Alderman Davis moved to suspend the rules and move to the second reading. Alderman Jordan seconded. The motion carried unanimously.

Mr. Williams read the ordinance.

Alderman Jordan moved to suspend the rules and move to the third and final reading. Alderman Reynolds seconded. The motion carried unanimously.

Mr. Williams read the ordinance.

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

ORDINANCE 4433 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

DEBT MANAGEMENT POLICY: A resolution approving the City of Fayetteville Debt Management Policy.

Alderman Young stated he would like the see some of the "should" changed to "shall".

Mr. Steve Davis stated the State constitution had changed to allow them to do short term financing. Part of the policy was to give city staff direction and guidelines on what the council would like to see in terms of short term financing capability.

Alderman Young moved to amend the policy to reflect his proposed changes. Alderman Santos seconded. The motion carried unanimously.

Alderman Marr moved to approve the resolution. Alderman Bechard seconded. The motion carried unanimously.

RESOLUTION 173-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

REPLACEMENT FUND: An ordinance repealing Ordinance No. 1085 and establishing a replacement and disaster recovery fund.

Mr. Williams read the ordinance.

Mr. Davis stated the 1.1 million dollars that was in excess of the disaster recovery account was envisioned to be used to replace police and fire vehicles.

THE ORDINANCE WAS LEFT ON THE FIRST READING.

GENERAL FUND: A resolution approving the policy to set a minimum General Fund Balance requirement.

Alderman Jordan moved to approve the resolution. Alderman Davis seconded. The motion carried unanimously.

RESOLUTION 174-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

The meeting adjourned at 11:45.