

Aldermen

Ward 1 Position 1 - Robert Reynolds
Ward 1 Position 2 - Brenda Thiel
Ward 2 Position 1 - Kyle B. Cook
Ward 2 Position 2 - Don Marr
Ward 3 Position 1 - Robert K. Rhoads
Ward 3 Position 2 - Conrad Odom
Ward 4 Position 1 - Shirley Lucas
Ward 4 Position 2 - Lioneld Jordan

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



**City Council
Meeting Minutes
November 1, 2004**

A meeting of the Fayetteville City Council was held on November 1, 2004 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Coody called the meeting to order.

PRESENT: Alderman Reynolds, Thiel, Cook, Marr, Rhoads, Odom, Lucas, Jordan, Mayor Coody, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

Presentation of Fire Department Service Awards:

Chief Bosch and Mayor Coody presented 20 year service awards to the following firemen: Gene Evans, Danny Farrar, and Dale White.

CONSENT:

Approval of the Minutes: Approval of the October 19, 2004 City Council meeting minutes.

Professional Engineering Services Agreement with RJN Group Amendment: A resolution approving Contract Amendment #1 to the June 15, 2004 agreement for professional engineering services with RJN Group, Inc. in the amount of \$175,000.00 to initiate the Farmington Sanitary Sewer Rehabilitation Improvements as set forth in the settlement agreement.

Resolution 169-04 as Recorded in the Office of the City Clerk.

FAA Contract Tower Cost Share Program: A resolution accepting the Federal Aviation Administration (FAA) Benefit/Cost Calculation of .91 for the FAA Contract Tower Cost Share Program; and approving a two-year Cost Sharing Agreement beginning March 1, 2005 with the FAA.

Resolution 170-04 as Recorded in the Office of the City Clerk.

Arkansas Aeronautics Department Grant Amendment T-Hangar "H": A resolution authorizing the Fayetteville Municipal Airport staff to accept an increase in the grant amount of \$50,000.00 (for a total of \$150,000.00) from the Arkansas Department of Aeronautics for the construction of a new T-Hangar; and approving a budget adjustment recognizing the increased grant revenue.

Resolution 171-04 as Recorded in the Office of the City Clerk.

Vehicle & Maintenance Fueling: A resolution approving a Budget Adjustment in the amount of \$195,100.00 to various vehicle and machine maintenance fueling accounts, due to unanticipated fuel cost increases.

Resolution 172-04 as Recorded in the Office of the City Clerk.

Alderman Jordan moved to approve the Consent Agenda as read. **Alderman Odom** seconded the motion. Upon roll call the motion passed unanimously.

UNFINISHED BUSINESS

Arkansas Blue Cross & USABLE Insurance Benefit Plan Renewal: A resolution exercising the first of five one-year options to renew employee group policies with USABLE Life to provide life, accidental death and dismemberment, and long term disability insurance coverage, and with Blue Cross/Blue Shield for the group medical plan. ***This resolution was tabled at the October 19, 2004 City Council Meeting to the November 1, 2004 City Council Meeting.***

Alderman Jordan: If the individual and the City split the additional cost and keep the insurance as it is what will the cost be?

Michele Bechhold, Human Resources Director: That would be a cost to the City of \$260,511.

Alderman Jordan: Where did we get the figure of \$90,000 then?

Steve Davis, Finance and Internal Services: The figure of \$90,000 is the difference between the City keeping the existing policy and picking up all the increase over the \$202,000.

Alderman Jordan: It is going to \$202,000 anyway. The difference between what would be and what could be is \$90,000 is that right?

Steve Davis: The ultimate of what it could be, yes.

Alderman Jordan: So if we did that and we split the cost 50/50 between the employee and the City what would it basically be per month for individual coverage and per month for family coverage?

Steve Davis: The employee individual would go from \$8.26 per month to \$9.16 per month if we split the cost. The employee family would go from \$54.52 to \$60.46 if we split the cost. A 10% to 11% increase.

Alderman Marr: At the last Council meeting there was some discussion about getting more feedback from the employee group and you were going to go back and solicit to make sure we had covered all the groups. Can you share with us what results came from that.

Michele Bechhold: The department directors started an initiative to communicate through the division heads with the employees. In this morning's department director's staff meeting I believe there was a general feeling that in the additional feedback that was received there was a desire to share the increase as in Option A. This option would have a cost to the City of \$260,000.

Alderman Marr moved to approve *Option A: maintaining the current stop loss that the insurance program currently has and sharing the expense of the insurance increase between the city and the city employees.* Alderman Jordan seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 173-04 as Recorded in the Office of the City Clerk.

RZN 04-1164 (Clevenger Duplexes): An ordinance rezoning that property described in rezoning petition RZN 04-1164 as submitted by Melissa Curiel for property located south of Wedington Drive and east of 54th Avenue, containing approximately 4.93 acres from R-A, Residential Agricultural to RMF-6, Residential Multi Family, six units per acre subject and accepting a Bill of Assurance limiting the number and type of structures to duplex and single family use. ***This ordinance was left on the first reading at the October 19, 2004 City Council Meeting.***

Alderman Jordan: Did we get that Bill of Assurance?

Dawn Warrick, Planning: I just handed it out.

Alderman Jordan: Thank you.

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

Mr. Williams read the ordinance.

Alderman Lucas: This will be limited to a density of 20 residential dwelling units for this property.

Dawn Warrick: The updated Bill of Assurance that was distributed this evening that has been signed and notarized by the property owners, Item Number 1 in that Bill of Assurance states the *use of the petitioners property described in Exhibit A attached hereto shall be limited to a density of 20 residential dwelling units.* Item 2 is the same as what was in the previous Bill of Assurance limiting the type of dwellings to single family and duplexes only.

Alderman Lucas: Thank you.

Alderman Jordan: I would also like to thank you for the work that you have done with the property owners in obtaining this Bill of Assurance.

Alderman Reynolds moved to suspend the rules and go to the third and final reading. Alderman Jordan seconded the motion. 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 4630 as Recorded in the Office of the City Clerk.

RZN 04-1189 (Jackson/Humphries): An ordinance rezoning that property described in rezoning petition RZN 04-1189 as submitted by Nick Wilson for property located at the northwest corner of South School Avenue and Sunrise Mountain Road containing approximately 7.91 acres from R-A Residential Agricultural and C-2, Thoroughfare Commercial to I-1 Heavy Commercial, Light Industrial. *This ordinance was left on the first reading at the October 19, 2004 City Council Meeting.*

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

Mr. Williams read the ordinance.

Alderman Thiel: I see they have a planned entry off of South School, I guess that is to give two different entrances and exits from this property?

Dawn Warrick: On Friday afternoon the applicants engineer provided this information to staff along with a revised legal description what this consists of and what was stated in the transmittal that came with it. They have attached some images that is what has been provided to you. They do state this is conceptual only and subject to change, they recognize that there is no city site

plan approval associated with this submission. This is an idea as to how the site might be developed in accordance to the plans that they have and the program they are trying to establish for their business on the site. It does state that the owners are willing to leave the western end of the property undisturbed and that they recognize that the drive on the north side of the building is subject to AHTD approval. It is also subject to City Planning Commission approval and or staff depending on how the project comes through our review process. They have also reviewed the layout of the property, the existing C-2 portion of the property, they are proposing to reduce that in size. What they are proposing is to reduce the corner commercially zoned property to approximately 200 by 220 feet. That is right at .37 acres in size. Their request based on this information is to modify their rezoning application and instead of rezoning 7.91 acres to an industrial designation to rezone 7.54 acres. That is the information that we have.

Alderman Reynolds: What kind of upgrades did you say we are going to get to Sunrise Mountain Road?

Dawn Warrick: We have not looked at a development proposal, it will depend on how much and what kind of traffic will be impacting that drive. A standard improvement would be half of a city street, 14 feet from center line of pavement, curb, gutter and storm drain all along the frontage of their property where ever it adjoins the street.

Alderman Reynolds: Will they have to put in additional screening for these storage buildings?

Dawn Warrick: Yes sir there is a specific screening requirement for mini storage.

Alderman Reynolds: How much land is in the back where it says this area is to remain undisturbed?

Steve Clark with Clark Consulting: I don't have an exact answer it looks like based on generic sizes and order of scale we are probably looking at somewhere between 2 1/2 to 3 acres.

Alderman Reynolds: Do we have that in writing?

Steve Clark: The only commitment you have is what we have on this drawing. The owners have conveyed to me that they are prepared to commit to you verbally; we don't have a Bill of Assurance or anything that is going to tie it down.

Alderman Reynolds: I would like to have it in writing, I know it says that but I would rather have a Bill of Assurance that this will not change.

Kit Williams, City Attorney: We are not really allowed to ask for a Bill of Assurance. A Bill of Assurance has to be offered voluntarily by a developer.

Steve Clark: Based on the developability of that, I think we have very little choice and I think the owners are prepared to make that commitment to you tonight so it will be on the record.

John Humphries of Humphries and Jackson: We would be happy to put that in writing.

Alderman Reynolds: Thank you.

Alderman Thiel: Why was there a change increasing the industrial and reducing the commercial?

Steve Clark: We are not increasing the industrial from the original request. The original request was for the entire property to be rezoned to industrial. We started looking at potential tenants and potential users, at the time they originally asked for the industrial zone that would be required to be I-1 to have the storage buildings. Staff's interpretation, based on their conversations on the printing business, they got the impression that it was going to be more of an industrial use than it turns out to be. Their printing business is where they get digital files from their clients by email and then they print them out on bigger xerox machines and big plotters. So it really was not an industrial use.

Alderman Thiel: C-2 zoning is larger than what you are asking for now, you are reducing the C-2, so basically you are asking for more I-1 than you were initially.

Steve Clark: No madam, because originally we were asking for the entire property. What has happened is if you will look at the site plan, if you will look at the back parking lot for that front building, there is a line between it, that is approximately where the line would be for the designation between the I-1 and the C-2. The storage has to be in I-1 it's not allowed in C-2 zone so that is why we are shifting that C-2 zone towards the street a little bit.

Alderman Thiel: That's what concerns me.

Alderman Marr: At Agenda Session I asked if we knew how much industrial zoning in this area of the City or Ward was currently available or available in our industrial park, do we have that information.

Dawn Warrick: I don't have an exact number for you. I do know that the largest amount of industrially zoned property in this vicinity is Drake Field which is across the street and a little bit south of this property. There is about 795 acres within that complex and surrounding it. There are a couple of smaller pieces of industrial property north of Drake Field that are vacant. I can do a little bit more research for you if you would like more specific numbers.

Alderman Thiel: I would appreciate that information.

Kit Williams: It looks to me like we are going to have to amend this ordinance if you want to do what they have asked. Let me make sure I understand you are not wishing now to rezone any of the property C-2?

Steve Clark: No. There is a strip of C-2 that will be rezoned to I-1 and part of the C-2 will remain as C-2.

Kit Williams: So the only change would be from 7.91 acres to 7.54 acres, that is the only modification.

Steve Clark: Correct, the acreage and the legal description of it.

Alderman Reynolds moved to amend the ordinance to change the number of acres from 7.91 acres to 7.54 acres. Alderman Thiel seconded the motion.

Steve Clark: The question arose on what street improvements would be required and I think that obviously if the street needs to be improved we would certainly be prepared to do that. Normally you would require that we would widen our half of the road. I would suggest we may be better off if there is available right of way to improve both sides of the road for a limited section, perhaps from our driveway to the road would be better suited. If we start widening it to the east there is a pretty dense row of cedar and evergreen trees that grows along the edge of the road that would serve as an outstanding screen if we left that vegetation in place. That would be our preference to use that as a screen also for our development.

Mayor Coody: Is there a way to achieve the road widening and leave the screen in place? Have you looked at that Dawn?

Dawn Warrick: We can look at options. That is certainly something depending upon the development; different scenarios could play out and be appropriate. It really has to do with the impact of the project and what the most appropriate and effective improvements would be.

Steve Clark: That is something we will work out when we bring our site plan through.

Upon roll call the motion passed unanimously.

This Ordinance was left on the Second Reading.

R-PZD 04-1181 (Walnut Crossing): An ordinance establishing a Residential Planned Zoning District titled R-PZD 04-1181, Walnut Crossing located north of Highway 62, east of Layne Street containing 43.30 acres, more or less; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Residential Development Plan as approved by the Planning Commission. ***This ordinance was left on the first reading at the October 19, 2004 City Council Meeting.***

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

Mr. Williams read the ordinance.

Alderman Marr: Has this gone before the Farmington City Council?

Dawn Warrick: This is scheduled to go before the Farmington City Council on November 8th. The applicant understands that we will need to leave this on a reading until it is heard by Farmington.

This Ordinance was left on the Second Reading.

ADM 04-1258 (Wilson Street/Walnut Crossing): A resolution amending the Master Street Plan to relocate Wilson Street, a proposed Collector Street, approximately 600 feet north as apart of R-PZD 1181, Walnut Crossing, as described in the staff report attached hereto and made a part hereof. *This resolution was tabled at the October 19, 2004 City Council Meeting to the November 1, 2004 City Council Meeting.*

Alderman Marr moved to table the resolution until the November 16, 2004 City Council meeting. **Alderman Jordan** seconded the motion. Upon roll call the motion to table passed unanimously.

This resolution was tabled until the November 16, 2004 City Council meeting.

NEW BUSINESS:

University of Arkansas Campus Transportation Study: A resolution approving cost- sharing with the University of Arkansas in an amount not to exceed \$30,000.00 to participate in the Campus Transportation Study.

Alderman Thiel: I did have a call about spending additional money on a transportation study. I told my constituent that this study would encompass a lot more than just transportation. One of the issues I remember being discussed is they would do a study of where students are located throughout the City.

Tim Conklin, Engineering and Planning: That is correct they've talked about where students live within the city and how they are commuting to the campus. This cost share request is looking at the portion of the study that is looking at the potential idea of partnering with the University to site additional parking decks near the university and downtown Fayetteville. It will also look at the feasibility of where those decks are located, how they impact the neighborhoods, how circulation is impacted, and how some type of structure could be developed to enter into some type of partnership to look at potential decks. This is just one small portion of the overall study; the actual study is around \$500,000. This is \$30,000 to partner with the University of Arkansas to look at the issue of students coming to campus, where they park and the potential for decks.

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

Resolution 174-04 as Recorded in the Office of the City Clerk.

ANX 04-1212 (Harper/Bowen): An ordinance confirming the annexation to the City of Fayetteville, Arkansas, of certain property located at 5512 George Anderson Road containing approximately 2.68 acres.

Mr. Williams read the ordinance.

Alderman Reynolds moved to suspend the rules and go to the second reading. **Alderman Rhoads** seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

Alderman Odom: What was the Planning Commission's vote?

Dawn Warrick: The Planning Commission voted unanimously 7-0 to recommend approval of this. We did not have any public comment at the Planning Commission meeting.

Alderman Jordan moved to suspend the rules and go to the third and final reading. **Alderman Lucas** seconded the motion. 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 4631 as Recorded in the Office of the City Clerk.

RZN 04-1213 (Harper/Bowen): An ordinance rezoning that property described in Rezoning Petition RZN 04-1213 as submitted by Mickey Harrington for property located at 5512 George Anderson Road containing approximately 2.68 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre.

Mr. Williams read the ordinance.

Alderman Odom: What was the Planning Commission's vote on this?

Dawn Warrick: Unanimous vote to approve and no public comment.

Alderman Rhoads moved to suspend the rules and go to the second reading. **Alderman Odom** seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

Alderman Rhoads moved to suspend the rules and go to the third and final reading. **Alderman Odom** seconded the motion. 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 4632 as Recorded in the Office of the City Clerk

RZN 04-1219 (Hancock/Wilson): An ordinance rezoning that property described in Rezoning Petition RZN 04-1219 as submitted by Project Design Consultants for property located at 2389 Salem Road containing approximately 14.94 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre.

Mr. Williams read the ordinance.

Alderman Lucas: Are there going to be stub out streets?

Dawn Warrick: This piece of property is currently split zoned. A portion of the property is zoned R-A and a portion of the property was part of an unincorporated island that was recently annexed and designated RSF-1. This piece of property spans between Ruppel Road and Salem Road. The property immediately north of it is currently under development with a single family subdivision. There will be connectivity between Ruppel and Salem Road as well as to adjoining developments. We will see connectivity between this area. These 15 acres will certainly be able to carry traffic between those two major north/south streets. We will also look for connectivity north and south into property that is being developed and property that is going to develop in the future.

Kit Williams: I would request an amendment as suggested by the city planner both in the title and in the body to read *and RSF-1 residential single family one unit per acre* inserted after residential agricultural.

Alderman Odom moved to amend the ordinance to read *and RSF-1 residential single family one unit per acre*. **Alderman Jordan** seconded the motion. Upon roll call the motion passed unanimously.

Alderman Jordan moved to suspend the rules and go to the second reading. **Alderman Lucas** seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

Alderman Jordan: I haven't received any calls on this development.

Alderman Lucas: I haven't either.

Alderman Marr: We just annexed this not too long ago when we annexed the islands we annexed it as RSF-1, refresh my memory why we did RSF-1 while other annexations that we bring into the city are RSF-4. What was the reason we did RSF-1 to begin with?

Dawn Warrick: My understanding is that when the Council chose RSF-1 as the designation for a large portion of this property that was being annexed as unincorporated island, the desire was that they be designated at a lower density so that when and if development was proposed that would require a higher density the City Council would have the opportunity to review those requests individually.

Alderman Jordan: In my research of this development there was not anything that looked too terribly bad in this area, it looked like fire protection was fine and there is connectivity between one that is already being developed.

Alderman Marr: The lesson learned is we have the opportunity to not have two actions on an item when we think RSF-4 is appropriate in the future. Because we have had this come before the Council twice now.

Alderman Jordan moved to suspend the rules and go to the third and final reading. **Alderman Lucas** seconded the motion. 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 4633 as Recorded in the Office of the City Clerk

RZN 04-1221 (Scott): An ordinance rezoning that property described in Rezoning Petition RZN 04-1221 as submitted by Ed and Patricia Scott for property located at 3196 Skillern Road containing approximately 2.01 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre.

Mr. Williams read the ordinance.

Alderman Rhoads moved to suspend the rules and go to the second reading. **Alderman Marr** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Thiel** was absent during the vote.

Mr. Williams read the ordinance.

Alderman Rhoads moved to suspend the rules and go to the third and final reading. **Alderman Marr** seconded the motion. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

Alderman Rhoads: Dawn is this the only way for the Scott's to achieve their objective?

Dawn Warrick: Their other option would have been to pursue a variance in their setback requirements. We felt that would have been a bit of a reach because under state law, they would

have been required to provide evidence of a hardship that was inherited in the property. That there was some unique circumstance on this particular piece of property, topiary, drainage or something that would have made it necessary for them to have a variance to provide this. They probably could have pursued that and achieved what they want to do. We gave them both options and let them choose which route they wanted to take. We felt that with either option they would be able to get a result that would be favorable for them to be able to make this addition. The rezoning will provide them consistent zoning with the property that is immediately to the west and also property that is to the south in the Brookbury area. We felt it was consistent that is why we gave them the option of choosing.

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

Ordinance 4634 as Recorded in the Office of the City Clerk

RZN 04-1223 (Hoskins): An ordinance rezoning that property described in Rezoning Petition RZN 04-1223 as submitted by Tracy Hoskins for property located at 1719 North Ruple Road containing approximately 11.73 acres from RSF-1, Residential Single Family, one unit per acre to RSF-4, Residential Single Family, four units per acre.

Mr. Williams read the ordinance.

Alderman Jordan: At the Ward 4 meeting last week some of the people wanted to see a presentation of the development, how you are going to develop it and how it will work with Ruple Road.

Mayor Coody: Did the Planning Commission approve this?

Dawn Warrick: Planning Commission recommended unanimously to forward this with a recommendation for approval.

Alderman Odom: Was there any public comment?

Dawn Warrick: There was not.

Tracy Hoskins, Developer: I was one of those that sent in a letter when the unincorporated land was being annexed saying why don't we do this as RSF-4 now instead of having to come back through. That's why I am here to get this property rezoned so that I can do a preliminary plat and then bring something back through. We've not really worked on anything as far as the layout of any subdivision. When we presented this I asked Ms. Warrick could we do them both at the same time and we were specifically told, no we could not, that we had to rezone and then come back through for preliminary plat, that we could not do them both at the same time. We haven't done anything as far as the layout of the subdivision, we are working with adjacent developers on projects they are doing to kind of put everything together. We don't really have anything right now. This piece of property is right in the middle of RSF-4 property. RSF-4 is all around it, Bridgeport to the west and to the north and a development to the south.

Alderman Jordan: I don't think the people are asking for anything specific, they just wanted to ask a few questions about how everything is going to go together there. That is all I am asking for is two weeks.

Tracy Hoskins: I don't know that we will have anything in two weeks. I don't know what we can give you in two weeks. I can bring you a piece of paper with a street drawn through it; I don't know what to give you.

Alderman Jordan: I think they just want to ask a few questions.

Mayor Coody: Do you think it would suffice if Tracy were to come to the Ward 4 meeting and visit with them?

Alderman Jordan: That is what I just said.

Mayor Coody: Without specifics as far as the engineering?

Alderman Jordan: That's what I am saying, if you will just show up and tell them what you want to do.

Tracy Hoskins: I can do that.

Alderman Thiel: Staff did not suggest a PZD on this?

Dawn Warrick: That is always an option.

Alderman Thiel: So you could have done both, we could have seen it all.

Tracy Hoskins: I could have done a PZD if that were the zoning I was requesting.

Alderman Thiel: That would be the zoning and the plan at the same time. You said that you couldn't do that and I was just suggesting that you could have.

Tracy Hoskins: When we started out on this project I asked the staff how we should come through as far as the zoning, we are not ready to do the subdivision yet. In a PZD we would have to design the subdivision and ask for the zoning all at one time. We are not ready to do the subdivision yet, it may be 3 months in the future it may be 8 months in the future. We don't have immediate plans for exactly how the streets are going to lay out, the lot sizes, setbacks, restrictive covenants, etc.

Mayor Coody: So you are just looking for the rezoning so you can have the security that the land would be able to do what you need it to do.

Tracy Hoskins: Absolutely. So it is just like every piece of property that is adjacent to it.

Mayor Coody: Dawn this is surrounded by like property is that right?

Dawn Warrick: To the north, south and west.

Alderman Jordan: Again you do not have to have any plans Mr. Hoskins; they just want to ask you a few questions. It will save us all a lot of trouble in the long run.

Tracy Hoskins: That is fine, I will be happy to do that.

Alderman Jordan: You met with us before. We will meet November 8th at 7:00 in Room 111.

Tracy Hoskins: I will be there.

This Ordinance was left on the First Reading.

RZN 04-1225 (Conner): An ordinance rezoning that property described in Rezoning Petition RZN 04-1225 as submitted by Robert Jeff Conner for property located at 3398 E. Huntsville Road containing approximately 0.78 acres from RSF-4, Residential Single Family, four units per acre to R-O, Residential Office.

Mr. Williams read the ordinance.

Mayor Coody: Did this also get recommendation from the Planning Commission and no public comment.

Dawn Warrick: Yes sir.

Alderman Reynolds: We haven't had any phone calls on it. Anytime you can go from RSF-4 to R-O I am all for it.

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

Mr. Williams read the ordinance.

Alderman Reynolds moved to suspend the rules and go to the third and final reading. Alderman Thiel seconded the motion. 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 4635 as Recorded in the Office of the City Clerk

VAC 04-1226 (Habitat for Humanity): An ordinance approving VAC 04-1226 submitted by Habitat for Humanity for property located at 222, 224 and 226 East 13th Street as described on the attached map and legal description.

Mr. Williams read the ordinance.

Alderman Reynolds: I have had no calls.

Alderman Thiel: I have had no calls but there were some concerns expressed at the Planning Commission meeting about this. I noticed that one commissioner voted against this. I share the same concern that commissioner had. Once we vacate this property it is out of our hands as far as controlling it, if there does need to be a drainage easement or drainage work. However, you did assure me that most of the drainage according to our engineering staff is east of this property. However, the people that expressed their concerns at the Planning Commission meeting and the letters that are in our packet indicate this is still used as drainage for their properties. I still wonder why they need this property, are they going to build on it. That would be my question why this is needed to be part of this property.

Patsy Brewer, Habitat for Humanity: This property has never been maintained. There are trees that have grown up all along that area that shows that nothing has ever been cut in years. The family would maintain it over to the property line and keep it cleaned out. It would become part of their yard instead of just an area that no one has taken care of or maintained. We always are looking to the future trying to make sure the families are not left with problems. We just felt the best issue for this would be to include that extra footage in their property that they would take ownership of, maintain it and take care of it. As far as the drainage, that is coming from the north along the property line, we are aware of it we will work with engineering to grade all around our three lots to take it over and out onto Willow and make sure it goes on down to the south as it should.

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

Mr. Williams read the ordinance.

Alderman Lucas: We are vacating an alley but we are maintaining an easement? I see on these utility approval forms that we must maintain a full width easement for possible future water and sewer.

Mayor Coody: The alley right now is publically owned?

Dawn Warrick: That is correct. If it reverts to easement only it would be owned by the property owners, however the area must remain available for whatever easements utility and or drainage as necessary. That is a relatively standard comment from the water and sewer utility as well as other general utilities, they maintain their right to that area, however the City would not maintain the ownership of it.

Kit Williams: I would like to see an amendment to the ordinance to specifically say that we retain the utility easement rights at the end of Section 1.

Alderman Thiel moved to amend the ordinance to read that the City retains the utility easement rights for this property. Alderman Reynolds seconded the motion. Upon roll call the amendment passed unanimously.

Alderman Odom moved to suspend the rules and go to the third and final reading. Alderman Reynolds seconded the motion. 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 6-2. Alderman Reynolds, Thiel, Rhoads, Odom, Lucas and Jordan voting yes. Alderman Cook and Marr voting no.

Ordinance 4636 as Recorded in the Office of the City Clerk

VAC 04-1227 (Habitat for Humanity): An ordinance approving VAC 04-1227 submitted by Habitat for Humanity for property located at 221, 223, and 225 East 13th Street as described on the attached map and legal description.

Mr. Williams read the ordinance.

Mayor Coody: Do you also want to see this amended as well?

Kit Williams: Yes, I read it as it should be amended.

Alderman Odom moved to amend the ordinance. Alderman Thiel seconded the motion. Upon roll call the motion passed unanimously.

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

Mr. Williams read the ordinance.

Alderman Cook: I still don't understand why we are doing this. It seems to me we are just doing it so they can clear the land and have more yard.

Mayor Coody: That's exactly why it's happening.

Alderman Cook: What's wrong with having a piece of nature in the middle of town? That's why I voted against the first one. If they just want to cut it down why are we going through this process?

Alderman Odom: I think the answer to that question is what Patsy addressed to us and that's ownership. That's part of the whole Habitat process is ownership of the home and ownership of the property. Just because you are giving them ownership I guess that doesn't necessarily mean they are going to go out and cut it down. It does give them ownership of that piece of property.

If this was a situation where we were giving up something, an alleyway that we were actually going to use and was important to the City of Fayetteville I think I would have a problem with it. Since we don't need it and aren't going to use it, I think we need to promote the home ownership of it. Let someone else maintain it rather than the City have the burden of maintaining it.

Alderman Reynolds moved to suspend the rules and go to the third and final reading. **Alderman Odom** seconded the motion. 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 6-2. **Alderman Reynolds, Thiel, Rhoads, Odom, Lucas and Jordan** voting yes. **Alderman Cook and Marr** voting no.

Ordinance 4637 as Recorded in the Office of the City Clerk

Public Hearing:

Cost Lien for Raze and Removal at 1905 S. Brower Avenue: A resolution certifying to the Tax Collector of Washington County the costs of the razing and removal of a dilapidated and unsafe structure upon the property owned by Jonathan M. and Jennifer L. Rich located at 1905 S. Brower Avenue in the City of Fayetteville, Arkansas.

Kit Williams: I should note for the record this is a Public Hearing that we are conducting. The City Council needs to determine the proper amount of money to certify to the Washington County Tax Collector to collect for the work that was done on this property.

Mayor Coody: Do I need to call for a Public Hearing?

Kit Williams: You can call for it if you want.

Hugh Earnest, Chief Administrative Officer: We would like to present a slide show showing the property.

Tim Conklin: Back in December of last year the City Council passed a resolution ordering the raise and removal of this structure on Brower Avenue. Jonathan Rich on December 12th signed a certified letter informing him that the City Council did pass an order for raise and removal. On March 11th the City completed that raise and removal process. The cost of that to the City was \$5,651.71. Mr. Rich has been invoiced and the invoice is past due 90 days. The purpose of this evening is to have this public hearing and certify this so we can place a lien on the property.

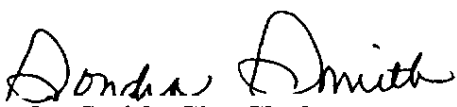
Alderman Jordan: I have had several calls on that piece of property even though we have taken the building down. It seems it is beginning to grow back up again and seems to be coming somewhat hazardous. Is there anything we can do about that?

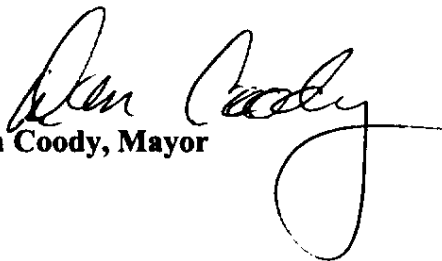
Tim Conklin: I talked to code compliance about that today and they are aware that the grass is 18 inches and taller so we will follow up on that also.

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

Resolution 175-04 as Recorded in the Office of the City Clerk

Meeting Adjourned at 7:10 PM.


Sondra Smith, City Clerk


Dan Coody, Mayor