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 – Robert Ferrell
Ward 4 Position 1 - Shirley Lucas
Ward 4 Position 2 - Lioneld Jordan

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

City of Fayetteville Arkansas
City Council
Meeting Minutes
March 21, 2006

A meeting of the Fayetteville City Council was held on March 21, 2006 at 6:00 PM 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, Rhoads, Ferrell, Lucas, Jordan, Mayor Coody, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Alderman Marr was absent.

Pledge of Allegiance

Nominating Committee Report: Alderman Cook gave the Nominating Committee Report. A copy of the report is attached.

Alderman Jordan moved to approve the Nominating Committee Report. Alderman Lucas seconded the motion.

Alderman Rhoads: Do we have to vote on these nominations at this meeting.

Kit Williams, City Attorney: Well you would have to probably vote on them prior to their appointment. Your vote would appoint them.

Alderman Rhoads: What happens if we delay that vote until the next meeting?

Kit Williams: If there is a meeting of one of these groups then whoever is currently serving would continue to serve until they are legally replaced.

Alderman Rhoads: Let me ask our chairman what is the practical ramifications of doing what I want to do?

Alderman Cook: Do you mind if I ask the reason?

Alderman Rhoads: I wasn't able to attend the Nominating Committee meeting and I have some concerns about some of the candidates.

Alderman Cook: The only concern I have is what Kit said as far as timing. The board that would be affected the most would be the Planning Commission.

Alderman Rhoads: Actually Planning Commission is the only one that I would want you to hold off, in voting on the rest of them I would not have a problem with.

Alderman Thiel: It has been a week since we met; you haven't contacted the chair about this concern?

Alderman Rhoads: I apologize, I have not.

Alderman Cook: I didn't get the report out until after this weekend.

Mayor Coody: What I understand is that Alderman Rhoads would like to table the Planning Commission portion of this for two weeks but approve the rest of the appointments is that right?

Alderman Rhoads: Alderman Cook if you feel it will really be detrimental to the Planning Commission then I just won't vote.

Mayor Coody: Jeremy is there any reason why tabling the Planning Commission portion would be a problem.

Jeremy Pate, Director of Current Planning: The current plan is to nominate the officers and vote on those at the next meeting that is what our bylaws state, our current Planning Commission bylaws. I am sure we could amend those or do something else if that is not possible at this time.

Mayor Coody: Kit you were saying that whoever is serving currently on the Planning Commission would just sit through another meeting is that right?

Kit Williams: Yes whoever was lawfully appointed will remain active until they have a replacement appointed for them.

Mayor Coody: What's the Council's wish on this?

Alderman Cook: One of those members is a reappointment; two others will be new terms. I am not sure how that would affect a quorum of the Planning Commission if those two people that weren't expecting to be there have to be required.

Alderman Rhoads: I would ask that the person that moved for approval amend his motion, provided Alderman Cook is okay with it, to take out the Planning Commission and postpone that for two weeks.

Alderman Jordan: I guess to do that I would have to withdraw my motion is that correct?

Kit Williams: Or just amend it to approve all the nominees except for the Planning Commission.

Mayor Coody: And that would have to be acceptable to the person that seconded the motion which would be Alderman Lucas.

Alderman Jordan: What are the thoughts of the Nominating Committee on this?

Alderman Thiel: Obviously we supported these candidates that is the reason they are up for approval.

Alderman Cook: I will say that by and far the appointments that we have for the Planning Commission were the best candidates from what we interviewed.

Alderman Lucas: Yes and it was unanimous of those that were there.

Alderman Rhoads: What is your pleasure Alderman Cook?

Alderman Cook: If it doesn't create too much problem for Planning.

Alderman Jordan moved to approve the Nominating Committee report with the Planning Commission nominees removed. Alderman Lucas seconded the motion. Upon roll call the motion passed 6-1. Alderman Cook, Rhoads, Ferrell, Lucas, Jordan and Reynolds voting yes. Alderman Thiel voting no. Alderman Marr was absent.

Approved all nominees except for the Planning Commission nominees.

<u>CONSENT:</u>

<u>Approval of the February 28, 2006 Special City Council meeting minutes.</u>

Approved

<u>Landers/McClarty of Bentonville – Two F550 Dump Trucks and One E250 Panel Van:</u> A resolution awarding Bids #06-10 & #06-18 to Landers/McClarty of Bentonville for the purchase of two (2) F550 dump trucks and one (1) E250 panel van in the amount of $103,919.44 for use by the Transportation Division and the Water & Sewer Division respectively.

Resolution 41-06 as Recorded in the Office of the City Clerk.

Landers Chevrolet of Benton – Nine ½ Ton Pickup Trucks: A resolution awarding Bid #06-12, item 1 and Bid #06-19 to Landers Chevrolet of Benton for the purchase of nine (9) ½ ton pickup trucks in the amount of $116,144.12 for use by the Fleet, Meter, Parks and Utility Management Divisions.

Resolution 42-06 as Recorded in the Office of the City Clerk.

Landers Chevrolet of Benton – Two ½ Ton Pickup Trucks: A resolution awarding Bid #06-12, item 2, to Landers Chevrolet of Benton for the purchase of two (2) ½-ton pickup trucks in the amount of $30,520.00 for use by the Water & Sewer Improvement Project; and approving a Budget Adjustment transferring funds to the Fleet Expense account.

Resolution 43-06 as Recorded in the Office of the City Clerk.

Landers Ford of Little Rock – Two Taurus Sedans: A resolution awarding Bid # 06-14 to Landers Ford of Little Rock for the purchase of two (2) Taurus Sedans in the amount of $26,429.20 for the use by the Airport and Fleet Divisions.

Resolution 44-06 as Recorded in the Office of the City Clerk.

Landers Ford of Little Rock –Five F150 Pickup Trucks: A resolution awarding Bid # 06-12 to Landers Ford of Little Rock for the purchase of five (5) F150 pickup trucks in the amount of $91,923.00 for use by the Engineering Division, OMI and the Building Services Division.

Resolution 45-06 as Recorded in the Office of the City Clerk.

Landers Ford of Little Rock – One Taurus Sedan: A resolution awarding Bid #06-14 to Landers Ford of Little Rock for the purchase of one (1) Taurus Sedan in the amount of $13,214.60 for use by the Police Department.

Resolution 46-06 as Recorded in the Office of the City Clerk.

Lewis Ford of Fayetteville – Two Explorers: A resolution awarding Bid #06-11 to Lewis Ford for the purchase of two (2) Explorers in the amount of $40,243.20 for use by the Fire and Water & Sewer Divisions.

Resolution 47-06 as Recorded in the Office of the City Clerk.

Lewis Ford of Fayetteville – One Ford 500 Sedan: A resolution awarding Bid #06-15 to Lewis Ford for the purchase of one (1) Ford 500 Sedan in the amount of $18,257.60 for use by the Fire Department.

Resolution 48-06 as Recorded in the Office of the City Clerk.

Lewis Ford of Fayetteville – One F350 Flatbed Truck: A resolution awarding Bid #06-17 to Lewis Ford for the purchase of one (1) F350 flatbed truck in the amount of $24,580.00 for use by the Water & Sewer Division.

Resolution 49-06 as Recorded in the Office of the City Clerk.

Teague Ford Lincoln Mercury El Dorado – One Ford Expedition: A resolution awarding Bid #06-20 to Teague Ford Lincoln Mercury of El Dorado for the purchase of one (1) Expedition in the amount of $24,495.00 for use by the Police Department K-9 Unit.

Resolution 50-06 as Recorded in the Office of the City Clerk.

Fayetteville Honda – Three Honda Elements: A resolution awarding Bid #06-16 to Fayetteville Honda for the purchase of three (3) Honda Elements in the amount of $53,085.00 for use by the Community Resources and Planning Divisions.

Resolution 51-06 as Recorded in the Office of the City Clerk.

Bulk Construction Materials Purchase: A resolution awarding Bids #06-21 - #06-27 for and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville in the estimated amount of $2,307,054.00.

Resolution 52-06 as Recorded in the Office of the City Clerk.

Department of Homeland Security Fire Grant: A resolution authorizing the Fayetteville Fire Department to apply for and accept a Department of Homeland Security Fire Grant for approximately $500,000.00 to implement mobile data terminals with related software in all fire apparatus and command vehicles.

Resolution 53-06 as Recorded in the Office of the City Clerk.

Washington Regional Medical Center Tree Preservation: A resolution approving a request by Washington Regional Medical Center to modify the geographic extent and location of certain Tree Preservation Areas pursuant to §167.04 (L) (2), Tree Preservation and Protection, Unified Development Code, Code of Fayetteville.

Resolution 54-06 as Recorded in the Office of the City Clerk.

McClelland Consulting Engineers – Improvements to Kings Drive: A resolution approving Amendment #1 to the contract with McClelland Consulting Engineers, Inc. in an amount not to exceed $65,375.30 for the final design; bidding, construction administration, and resident services during construction for improvements to Kings Drive.

Resolution 55 -06 as Recorded in the Office of the City Clerk.

Alderman Jordan moved to approve the Consent Agenda as read Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

Alderman Ferrell: The Equipment Committee was pleased to forward this on to the full Council. There was a 40% reduction in extended cab 4 wheel drive pickups. This certainly allows for better gas mileage and for less maintenance. We were very happy that it came in that way.

UNFINISHED BUSINESS:

RZN 06-1868 Chambers: An ordinance rezoning that property described in rezoning petition RZN 06-1868 for approximately .20 acres located at 347 North Willow Avenue from RSF-4 Residential Single-Family, 4 units per acre to RSF-8, Residential Single-Family, 8 units per acre. ***This ordinance was left on the Second Reading at the February 7, 2006 City Council Meeting. This ordinance was Tabled at the February 21, 2006 City Council Meeting to the March 7, 2006 City Council Meeting. This ordinance was Tabled at the March 7, 2006 City Council Meeting to the March 21, 2006 City Council Meeting.***

Jeremy Pate: At agenda session Alderman Marr requested that this item be tabled until the next meeting. The applicant is still working on some drawings for the Council. They would appreciate that time as well so they can look at reducing the height of the structure.

Alderman Cook moved to table the ordinance until the April 4, 2006 City Council meeting. Alderman Thiel seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

This ordinance was left on the Second Reading and Tabled to the April 4, 2006 City Council meeting.

R-PZD 06-1883 Abshier Heights: An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-1883, Abshier Heights, located south of Evelyn Hills Shopping Center on Abshier and Hillcrest, containing approximately 4.11 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan. ***This ordinance was left on the First Reading at the March 7, 2006 City Council meeting.***

Alderman Cook moved to suspend the rules and go to the second reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

Jeremy Pate: I have two updates for you, one is the information that was passed out to you prior to this meeting. One of those is a decrease in density as requested by the City Council decreasing the number of units. There is some more information that the architect would like to go over with you at your next meeting. The other item requested by the City Council was a traffic evaluation, if you have any questions the traffic engineer is here to answer any questions.

Tim Cooper, Cooper Architects, representing the owner gave a brief update. He stated since the last meeting there was three items that stood out as being issues that they needed to work on and get answers on. One was the density, trying to lower the density, the water situation and the traffic. He stated the developer went back and negotiated with the property owner and he is going to be more flexible on his price so they could come up with a lower number of units, they were able to eliminate 6 units from the project. They eliminated a building on the south piece of property and created a little pocket park. There will be some additional spaces on the property that could be accessed to walk up and view the Jones home. They also eliminated a building on the north piece of property which allows for 30' to 40' between the structures on the upper portion of the property. A copy of the site section was given to the Council so they could see the unit design. We started with 17.9% of existing canopy, previously the removed canopy was going to be 1,730 square feet with this new change we are only going to remove 1,083 square feet, which means that 17.3% of the current canopy will be saved. The previous percent of site covered by the building was 17% and with these changes it is only 13.5%.

Alderman Thiel: What does this come out to density wise?

Tim Cooper: 24 units on 4.11 acres, which is 5.8 units per acre.

Alderman Thiel: That is pretty close to RSF-4.

Tim Cooper: Right. The other thing is that we have an access easement that we are not counting in that 4.11 acres if you actually include that square footage it would drop it to around 5 units per acre.

Alderman Thiel: If this was zoned RSF-4 how could this be developed? Each home would have a driveway off of Abshier and Hillcrest is that correct?

Tim Cooper: Right you would have individual drives accessing Hillcrest. It would also have a dramatic change on the tree canopy because the grade that you would have to have from the actual driveway out to maintain that slope would pretty much eliminate that tree canopy along Hillcrest.

Alderman Thiel: You would not have to preserve the buffer then at that point.

Tim Cooper: No. Actually if you look at this project as a whole, if this was RSF-4 already, this is still an appropriate project with the Dover, Kohl plan and density wise to up zone for a PZD.

Mayor Coody: Tim, have you had a chance to let the neighborhood know about the changes that you have made here?

Tim Cooper: Yes I have given the information to some of them.

Alderman Cook: Tim, you handed those out this evening is that correct?

Tim Cooper: Yes.

Jack Butt, stated he represents some of the neighbors on Hillcrest that are opposed to this project because it is contrary to the existing zoning. This property used to be R-1 now RSF-4 the neighbors have defeated three different efforts over the last 30 years to change it to anything else. This is RSF-4 property the planned development would be an upgrading of the property to something denser with less protection for the neighbors than leaving it as RSF-1.

Mr. Butt handed out information to the Council. He gave a brief history of the property, the rezoning of the property and the restrictive covenants that where filed on the property on August 31, 1962. In August, 1967 a petition was made that the property to the west be rezoned from R-

1A to C-2, it was unanimously denied. In June of 1970 the City adopted a citywide map and it confirmed on that map that, that strip was R-1 and in 1972 the strip was still R-1. In 1991 a developer asked for a conditional use permit of the R-1 zoning so he could build some duplexes on Hillcrest, the Planning Commission voted to deny that. Between 1962 and 1991 there were three requests for rezoning of this property, the Planning Commission, City Board and at one point a public vote rejected those requests. There have been 19 other requests for zoning variances or conditional uses and on all those occasions this property was reflected as R-1. In 1999 a glitch occurred, and the city map did not reflect the boundary between the C-2 zoning and the R-1 zoning. The City in 2003 undertook an effort to cleanup its zoning map, a map was drawn by city staff and presented to the City Council, it was voted on and approved. On that map there is a clear demarcation that the C-2 zoning beginning at Evelyn Hills runs all the way up the hill to Hillcrest. No one knows how this happened, either a draftsman made a mistake or he intently scooted that line over knowing that he was altering the zoning.

He gave several options for resolving this mistake.

Alderman Cook: I do have a request that will be on the next agenda to re-zone that property to RSF-4, if it is the Council's wish we will discuss that at the next meeting. With the Planned Zoning District this could be zoned I-1 or R-A, with the Planned Zoning District you are re-zoning it based on that development. While I agree with what Mr. Butt said I think this should be zoned RSF-4 because I think that was the intent of it all along, regardless of that this PZD stands on its own.

Alderman Ferrell: The next meeting you are going to bring forth to re-zone this to what?

Alderman Cook: Not all the property, just the piece of property that is in question which parallels on Hillcrest Avenue which is where the discrepancy is in the map whether it was C-2 or R-1.

Alderman Ferrell: Will it state that you are rezoning from one zoning to another?

Alderman Cook: From C-2 to RSF-4. Just the part that is in question.

Alderman Reynolds: Kit, do you agree with what has been said?

Kit Williams: I certainly will not argue with the history. The Planning Department has owned up to the fact that they are not sure, when they did all of their research, that where they thought it came back to C-2. When we did the citywide rezoning it was rezoned C-2 at that point in time so right now it is C-2.

Alderman Thiel: I think once the neighborhood has an opportunity to look over what is being offered here they may or may not change their mind. I certainly would probably support rezoning this to RSF-4 but that does not change the fact that we have a PZD before us that is almost to that density, it is one unit more that the density allowed in RSF-4 and you will have green space offered to you that you would not have if this was sold off as individual lots or developed out individually as single family residents. You also have to have a curb cut for each one of these individual houses. I hope this neighborhood looks at this proposal because it is probably a very good thing.

Kipp Hearne with H2 Engineering addressed the water concerns, he said in that area of town there are pressure problems and flow issues, he has met with staff to try to find ways to improve the water system in this area.

Brian Vines with Carter and Burgess spoke on the traffic study. He stated the level of service without the development and the level of service with the development remains the same. There are issues with pulling out on College Avenue. The development is adding about 176 cars to the surrounding roadway network which is just a small amount on College Avenue. There is not much traffic being added.

Mayor Coody: Jeremy, one gentleman brought up the widening of Abshier and Hillcrest as a concern, fill us in on that detail.

Jeremy Pate: It is a requirement of the developer to improve both Abshier and Hillcrest. We have tried to minimize the amount of grading especially with the sidewalks. Typically you would have 14' from centerline improvement on these types of streets plus grading for the green space and sidewalk. We have reduced that green space and sidewalk. We are recommending 14' from centerline which will increase the travel lanes. I believe both lanes are about 20' wide currently, this would add 4' of pavement and curb and gutter on the north side of Abshier and the west side of Hillcrest.

Mayor Coody: What will that 4' of additional asphalt do to the slope and the grade of buffer area?

Jeremy Pate: The slope and grade are actually minimal.

Mayor Coody: So we would not have to build any retaining wall or do any damage to trees?

Jeremy Pate: Not that I am aware of.

Mayor Coody: Those questions were asked of me and I just wanted to reiterate those.

Alderman Ferrell: The density went from 30 to 24 and it is 5.8 units per acre. What size will the six units be that will be there?

Tim Cooper: They will be 1,500 to 1,800 square feet. The price will be in the neighborhood of $150.00 per square foot.

Dan Griffin a resident said his problem was the bank on Abshier. He stated a retaining wall will have to be installed. He thinks this will be expensive to the developer and is being overlooked.

Jeremy Pate: One of the conditions for this project is for the developer to work with both the landscape administrator and the sidewalk coordinator in tandem when this development occurs so that both goals are achieved simintaniously. The tree canopy and buffer remains as well as pedestrian paths and sidewalks where we can. The structures look to be 40' to 45' away from the streets so there is some room there to include those improvements.

Tim Cooper stated the PZD is flexible, he mentioned where the walkway would be.

Mayor Coody: We will leave this on the Second Reading and discuss it at the next City Council meeting.

Alderman Cook: Yes, we need to give the neighborhood time to digest this new information.

This ordinance was left on the Second Reading.

Amend §163.14; Wireless Communication Facilities: An ordinance to amend §163.14 Wireless Communication Facilities of the Unified Development Code. ***This ordinance was left on the First Reading at the March 7, 2006 City Council meeting.***

Alderman Reynolds moved to suspend the rules and go to the second reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

Kit Williams: I would ask that this be left on this reading. I have been in contact with some representatives of the cell phone industry, they are trying to organize a meeting with various representatives from the cell tower industry as well as the cell phone industry. There is some input they want to have on particular wording.

Justin Eichmann, representing Smith 2 Way: We have submitted a revised plan. We have amended the design and submitted these drawings to the Planning staff. We are looking at a flush mount for these cell panels that is in our application. It will be something that will not stick out from the profile of the tower.

This ordinance was left on the Second Reading.

NEW BUSINESS:

T-G Excavating, Inc – Sanitary Sewer Main Replacement: A resolution approving a construction contract with T-G Excavating, Inc. in the amount of $2,223,022.00 for sanitary sewer main replacement and rehabilitation city-wide; and approving a 5% project contingency in the amount of $111,151.00.

Alderman Cook: This has been through the Water and Sewer Committee and we discussed them and approved it unanimously.

Alderman Jordan moved to approve the resolution. Alderman Ferrell seconded the motion. Upon roll call the resolution passed 7-0. Alderman Marr was absent.
Resolution No. 56-06 as Recorded in the Office of the City Clerk.

<u>**Oscar Renda Contracting -WSIP Sewer Main Construction, Line WL-1 and 3:**</u> A resolution approving a construction contract with Oscar Renda Contracting in the amount of $7,014,948.00 for construction of gravity sewer lines from Old Wire Road to Gregg and Porter Road to the Hamestring Lift Station, WL-1 & WL-3; and approving a 4% project contingency in the amount of $280,000.00.

Alderman Cook moved to approve the resolution. Alderman Jordan seconded the motion. Upon roll call the resolution passed 7-0. Alderman Marr was absent.

Resolution No. 57-06 as Recorded in the Office of the City Clerk.

<u>**Oscar Renda Contracting -WSIP Sewer Main Construction, Line WL-4:**</u> A resolution approving a construction contract with Oscar Renda Contracting in the amount of $10,441,319.20 for construction of gravity sewer lines from Gregg Avenue to Hamestring Lift Station, WL-4; and approving a 4% project contingency in the amount of $418,000.00.

Alderman Cook asked for an update on the west side line work.

David Jurgens, Water and Wastewater Director: We have three major contract sections of line work, two of which are before you tonight and one more that we can start in about 90 days, that is WL-2 that runs from North Street parallel to Gregg Avenue up to about the northern City limits. That is the one that we had one last easement that we are working on acquiring and had to get Corp approval for the permit. I got word this afternoon that we should have that Corp approval within the next two weeks. We have two other lift stations that we have to construct, we should be advertising one of those within the next two weeks and that should be completed at the beginning of 2008. We have one other one that we will be advertising in probably eight or nine months, we don't want to advertise or start construction on that one too soon because we don't want to have a lift station finished and sitting there not in use while the warranties on it run out due to the west plant not being ready. We are trying to time all of these so they get completed at about the same time.

Alderman Cook moved to approve the resolution. Alderman Jordan seconded the motion. Upon roll call the resolution passed 7-0. Alderman Marr was absent.

Resolution No. 58-06 as Recorded in the Office of the City Clerk.

<u>**ADM 06-1976 Paradise Point:**</u> An ordinance to amend the approved Residential Planned Zoning District titled R-PZD 05-1734, Paradise Point, located west of Crossover, south of Joyce Boulevard, containing approximately 1.55 acres.

City Attorney Kit Williams read the ordinance.

Jeremy Pate: As was discussed at the original Planned Zoning District proposal for this property there was one proposed outlet onto Crossover Road and a proposed cross access to the north through a private parking lot. The condition for approval for that project was that if the property owner of this project could not obtain that access easement to allow for access, emergency and otherwise through that parking area, then it would have to return to the Planning Commission and City Council for review and approval of any additional access points. That is what is before you at this point. The Planning Commission did recommend approval of this additional access point onto Crossover Road. The two access points are approximately 200' apart. It well exceeds the 60' that is currently required.

Jeremy continued to explain the access points and the emergency access requirements. A discussion followed on the access points and ingress and egress to the property.

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

City Attorney Kit Williams read the ordinance.

Alderman Ferrell moved to suspend the rules and go to the third and final reading. Alderman Rhoads seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Marr was absent.

Ordinance 4846 as Recorded in the Office of the City Clerk.

<u>ANX 06-1933 Nock-Broyles:</u> An ordinance annexing that property described in Annexation Petition ANX 06-1933 (CC2005-47), for property located at 2390 South Dead Horse Mountain Road, containing approximately 6.55 acres.

City Attorney Kit Williams read the ordinance.

Jeremy Pate stated this is within an existing island and would incorporate a portion of the island that was created with the Hall annexation. Not all the property owners were willing to come in at that time this one now has requested to come in as part of the City.

Alderman Cook: We still have two islands.

Jeremy Pate: That is correct.

Alderman Cook: None of those have any interest in coming in?

Jeremy Pate: I think there was four to six property owners one of them we do not even know who the property owner is. One property owner has no interest in annexing and the others we have not followed up on to see if they are interested now. They were all asked at the time of the Hall annexation and the ones that came in were the ones that wanted to come in at that time.

Alderman Thiel: Is this the only property these developers own in this area or are they adding to some property?

Jeremy Pate: They are adding to some property in this location. They own property along the golf course to the east and to the north. They will be presenting a Planned Zoning District to the City Council.

Alderman Reynolds moved to suspend the rules and go to the second reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

Alderman Thiel: Jeremy has there been any concerns that you have heard?

Jeremy Pate: We have not received any public comment whatsoever on this item that I am aware of.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 6-1. Alderman Rhoads, Ferrell, Lucas, Jordan, Reynolds and Thiel voting yes. Alderman Cook voting no. Alderman Marr was absent.

Ordinance 4847 as Recorded in the Office of the City Clerk.

<u>**Aspen Ridge Planned Zoning District Expiration:**</u> An ordinance to waive §166.20 expiration of approved plans and permits for R-PZD 04-1307 (Aspen Ridge).

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief history of the project. He stated staff is recommending that there is a time limit extension, this would allow until December 31, 2006 for the applicants to obtain all of their building permits.

Alderman Thiel: I think we all want to see this project completed. There have been some concerns with the neighborhood, largely the construction traffic on South Duncan we did not think South Duncan was going to be used as their main ingress and egress. I want some assurance from this developer that this is not going to happen as the project continues to be built out. The construction traffic needs to be coming off 6th Street.

Mayor Coody: Will there be a real effort to discontinue the traffic on Duncan Street?

Matt Crafton, Crafton, Tull & Associates: Yes, I believe we have addressed that issue. The developer was also very concerned, he is from out of town and was not aware that was going on. When he heard about it he met with the contractor and emphasized that was not to happen again.

Alderman Reynolds: I have met with the contractor on that location and they brought in a water truck to help with the dust. Has Mr. Hoodenpyle been taken care of?

Matt Crafton: We have not uncovered his service line to know how deep it is but we will do whatever it takes. I did mention that to the developer and he said we will do whatever it takes to protect Mr. Hoodenpyle's property from any sewage backing up into his house. He has been very cooperative with this project all along, it is surrounding him on two sides, we are very sensitive and we will do whatever it takes to prevent that.

Alderman Reynolds: I want it in the record that when they come out of their project they are going to put a Y on the only residence that is back there, when they put that on there I want a back flow or something to protect Mr. Hoodenpyle from getting flooded.

Mayor Coody: Have you spoken to Mr. Jurgens about this?

Matt Crafton: I have not spoken to City staff.

David Jurgens: I spoke to the resident several days ago as well.

Alderman Cook: Is this building permit for all phases or just phase one?

Jeremy Pate: All phases within the Planned Zoning District.

Alderman Reynolds moved to suspend the rules and go to the second reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

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 7-0. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Marr was absent during the vote.

Ordinance 4848 as Recorded in the Office of the City Clerk.

ANX 06-1935 Fletcher Williams Appeal: An ordinance annexing that property described in Annexation Petition ANX 06-1935 (CC2005-54), for property located at 354 and 370 Double Springs Road, containing approximately 9.70 acres.

City Attorney Kit Williams read the ordinance.

Jeremy Pate: The Planning staff recommended approval of this annexation request to the Planning Commission, the Planning Commission recommended denial, and therefore it was appealed. The Planning Commission vote was 2-4 therefore it failed. This property is located east of Double Springs Road and contains 9.7 acres. It is bordered on two sides by property that is within the city limits.

Jeremy gave a brief description of the annexation and the surrounding property.

Leonard Gabbard , Landtech Engineering stated he is involved in being one of the possible owners on the property to the south. He stated they had looked at a step system for this project but Mr. Jurgens indicated that it would not be in the best interest to the City of Fayetteville to someday have to take over such an albatross and ask us to come forward to the City to be brought in. One of the problems we had to overcome was the creation of an island. I would like for you to consider, do you eventually want to have to take over a step system or would you rather see this brought onto City infrastructure.

Mayor Coody: Mr. Jurgens was right on target when he said that we don't want to take over step systems. Thanks for bringing this forward.

Alderman Lucas: We are not increasing the boundary of Fayetteville west because we already have a development west of this piece of property.

Alderman Cook: What about the owners to the north of that, they are the ones that are going to be surrounded at that point. Have they requested to come into the City?

Jeremy Pate: To be honest we would not recommend it for annexation had the property owner not contacted us, staff had not discussed that with the property owner to the north.

Randy Ritchie representing the applicant and future developer stated they have submitted a bill of assurance. He stated the property to the north is building an industrial development and they can not build that if they annex. They have indicated that they would consider an annexation after they have their development built. There will be a total of three properties that will be asking to be annexed. He also stated the Fire and Police Departments are very comfortable with this development.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

This ordinance was left on the Second Reading.

RZN 06-1936 Fletcher Williams Appeal: An ordinance rezoning that property described in Rezoning Petition RZN 06-1936, for approximately 9.70 acres, located at 354 and 370 Double Springs Road, from R-A, Residential Agricultural to RMF-6 Residential Multi-Family, 6 units per acre, subject to a Bill of Assurance.

City Attorney Kit Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Lucas seconded the motion. Upon roll call the motion passed 6-0. Alderman Cook was absent during the vote. Alderman Marr was absent.

City Attorney Kit Williams read the ordinance.

This ordinance was left on the Second Reading.

Beaver Water District Agreement: A resolution approving an agreement between the City of Fayetteville and the Beaver Water District for protection of the Beaver Lake watershed.

Alderman Cook: The Water and Sewer Committee discussed this at our last meeting and we think it is a win win, it was unanimous. I would like to commend the staff's efforts and the willingness of Beaver Water to work with us. I think this is a good thing.

Mayor Coody: Essentially this is an agreement that the City of Fayetteville would help pay to do an educational program to ensure high quality water effluent and high quality water shed, clear water protection. In trade the Beaver Water District will let us plow on through with our very stringent phosphorus limits for the State and not make it even harder for us to get a clean water permit.

Alderman Cook moved to approve the resolution. Alderman Jordan seconded the motion. Upon roll call the resolution passed 7-0. Alderman Marr was absent.

Resolution No. 59-06 as Recorded in the Office of the City Clerk.

Meeting Adjourned at 7:50 PM

Dan Coody

Dan Coody, Mayor

Sondra Smith

Sondra Smith, City Clerk/Treasurer

Nominating Committee Report
Meeting: Monday, March 13, 2005
Room 326, City Hall 5:00 p.m.
Members Present – Kyle Cook, Shirley Lucas, and Brenda Thiel

The following is being submitted to the entire City Council for consideration.

Advertising and Promotion Commission
The Committee recommends the following candidate for reappointment:

- ***Pat Gazzola*** – One term ending 3/31/10.

Board of Adjustments
The Committee recommends the following candidates for appointment:

- ***William Chesser*** – One term ending 3/31/11
- ***Jim Zant*** – One term ending 3/31/11.

Civil Service Commission
The Committee recommends the following candidate for appointment:

- ***Mike Ferguson*** – One term ending 3/31/12.

Planning Commission
The Committee recommends the following candidates for appointment:

- ***Jill Anthes*** – One term ending 3/31/09
- ***Hillary Harris*** – One term ending 3/31/09
- ***Lois Bryant*** – One term ending 3/31/09.

Telecommunications Board
The Committee recommends the following candidate for appointment:

- ***Jon Zimmer*** – One unexpired term ending 6/30/06.

Tree and Landscape Advisory Committee
The Committee recommends the following candidates for appointment:

- ***Wade Colwell*** – One business term ending 12/31/07
- ***Andy Feinstein*** – One land development term ending 12/31/07
- ***John Crone*** – One university representative term ending 12/31/07
- ***Tommy Deweese*** – One utility representative term ending 12/31/07.