

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



**City of Fayetteville Arkansas
City Council
Meeting Minutes
June 20, 2006**

A meeting of the Fayetteville City Council was held on June 20, 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 Thiel, Cook, Marr, Rhoads, Ferrell, Lucas, Jordan, Mayor Coody, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Reynolds

Pledge of Allegiance

Police Department Presentation Recognizing 12 members of the Fayetteville Citizen's Police Academy – Sergeant Shannon Gabbard

Sergeant Gabbard presented the members of the Fayetteville Citizen's Policy academy a certificate and a shirt for their participation in the academy. The following were presented with Certificates and a shirt: William Jackson, Evelyn Jackson, Marie Mitchell, Marvin Mitchell, Peggy Harp, Joe Woessner, Fred Cusanelli, Mya Fulton, Richard Guthrie, Bob Reilly, Trish Hollenbeck, and Danette Williams.

Mayor Coody: I hope that all the people that participated in the Police Academy recognized the level of professionalism that our Police Department has.

Nominating Committee Report: Kyle Cook, Chairman

Alderman Cook gave the Nominating Committee Report and thanked Amber Wood in the City Clerk's office for typing the report . A copy of the report is attached.

Alderman Cook moved to approve the Nominating Committee Report. Alderman Marr seconded the motion. Upon roll call the motion passed 7-0. Alderman Reynolds was absent.

CONSENT:

Approval of the June 6, 2006 City Council Meeting Minutes.

Approved

Rescind Res. 82-06 – McClelland Consulting Engineers Task Order #13: A resolution rescinding the budget adjustment approved by Resolution No. 82-06 of May 2, 2006.

Resolution 110-06 as Recorded in the Office of the City Clerk.

Professional Turf Products of Tulsa – Bid # 06-38: A resolution awarding Bid # 06-38 and approving the purchase of two (2) multi-deck turf mowers from Professional Turf Products of Tulsa in the amount of \$43,987.00 for use by the Parks & Recreation Division.

Resolution 111-06 as Recorded in the Office of the City Clerk.

Radisson Hotel Parking Space Lease Agreement: A resolution approving a lease agreement with Radisson Hotel Fayetteville for the use of 178 parking spaces on Level One and Three of the Meadow Street Municipal Parking Garage.

Resolution 112-06 as Recorded in the Office of the City Clerk.

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

UNFINISHED BUSINESS:

Crystal Springs IV Appeal: Appeal the approval of the PPL 06-1977 Preliminary Plat Crystal Springs IV for property located north of Mt. Comfort Road, at the end of Raven Lane. *This item was tabled at the June 6, 2006 City Council meeting to the June 20, 2006 City Council meeting.*

Jeremy Pate, Director of Current Planning: The bridge will be constructed prior to any homes being built, it will be constructed with Phase one. That will be an additional condition of approval should you chose to affirm the Planning Commission's decision to uphold this

preliminary plat. This was also tabled to discuss the connectivity issue and street connections to Woodlark and Raven. As it currently stands this project is connecting the two existing street stub outs, one to Woodlark Lane and one to Raven. Staff's position is that both connections are warranted and both are supported by the City Council's policy of connectivity. We are recommending both connections at this time.

Alderman Jordan: This is something Shirley and I have worked on with the neighborhood, owners and the developers and over the course of the last few weeks we have come to some compromises. The neighborhood, owners and developers are alright with making the connection through Raven and leaving the connectivity off Woodlark. The bridge will be installed and no houses will be built until the bridge is built. That seems to be agreeable to all parties at this point in time.

Alderman Lucas: When you look at this development you have connectivity. We still need to correct Mount Comfort, there needs to be improvements to Mount Comfort.

Wayland Harris, speaking on behalf of the residents of Bird Haven Subdivision: We are in agreement with what has been worked out. We would like to ask for approval of this tonight.

Bill Overby a resident Woodlark Lane: Woodlark was never considered to be a through street. I appreciate connectivity, I believe we have it and I would strongly urge you to consider the recommendation of Alderman Jordan.

Rick Reed, Woodlark Lane: At no point under any circumstance is any additional traffic welcomed to Bird Haven. You have north and south access through Salem Road and Deane Solomon. We urge you to please not allow this to happen.

City Attorney Kit Williams: In speaking to Alderman Jordan earlier he indicated that a possible solution had been arrived at so I prepared a resolution that would grant the appeal and approve the preliminary plat as slightly modified. It would make Raven the north south connection but not Woodlark. We also need to incorporate the language that Jeremy has that would require the building of the bridge prior to the sale of any house lot. A sidewalk would go where the street is currently platted.

A revised resolution was passed out to the City Council.

Alderman Cook: I always support connectivity but I certainly respect the Aldermen and their work on this issue, they have come to a good solution.

Alderman Lucas moved to approve the revised resolution as prepared by City Attorney Kit Williams. **Alderman Jordan** seconded the motion. Upon roll call the resolution passed 7-0. **Alderman Reynolds** was absent.

Resolution 113-06 as Recorded in the Office of the City Clerk.

RZN 06-2028 Mountain Ranch RMF-18: An ordinance rezoning that property described in rezoning petition RZN 06-2028 for approximately 9.16 acres, located west of I-540 and south of

Betty Jo Drive, from C-1, Neighborhood Commercial and R-A, Residential-Agricultural to RMF-18, Residential Multi-Family, 18 units per acre. *This ordinance was left on the first reading at the June 6, 2006 City Council meeting.*

City Attorney Kit Williams: The petitioner has decided to request a different rezoning.

Jeremy Pate: That is correct. The applicant has changed their request to a C-1 zoning.

Alderman Jordan moved to amend the ordinance by changing the zoning to C-1. Alderman Marr seconded the motion. Upon roll call the motion passed 7-0. Alderman Reynolds was absent.

City Attorney Kit Williams read the ordinance.

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 7-0. Alderman Reynolds 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 Reynolds was absent.

Ordinance 4887 as Recorded in the Office of the City Clerk.

West Fayetteville Annexation Election: An ordinance calling an election to determine whether approximately 2,000 acres contiguous to the western city limits should be annexed into Fayetteville. *This ordinance was amended and left on the first reading at the June 6, 2006 City Council meeting.*

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

City Attorney Kit Williams read the ordinance.

Tim Conklin, Planning and Development Management Director: At your last meeting you indicated that you would like our Annexation Study Committee to meet with Farmington. They contacted us and we met. We asked Farmington what they would like the Fayetteville City Council to know with regard to their recommendation for an annexation line between the two cities. At our last Council meeting, City of Farmington Alderman Ernie Penn, indicated that if someone wants to be annexed into Fayetteville they would agree to allow that to happen.

Mr. Conklin showed the Council a map with the proposed annexation area as requested by the City of Farmington.

You also made a motion to have the Special Election during the General Election. I believe the Election Commission is here to discuss some of those issues with that election date. Staff would

recommend not placing the annexation election with the election for the wastewater treatment plant or the street bond program election.

Alderman Lucas: I asked Farmington if there was any room for negotiation and they said there was not.

Alderman Ferrell: How many acres will be included in the annexation election, if we went with what Farmington wanted as opposed to what we initially started out with.

Tim Conklin: There would be around 500 acres less. Tim showed the City Council on the map where Fayetteville can grow to in the future on the west side.

Alderman Lucas: We studied this and looked at all aspects of it. It is growing out there and would be a perfect place to put a commercial node and this area would service it. We are going to provide the services for this area so it should be in the City. We as a task force felt this was the appropriate area to bring in.

A discussion followed on the proposed annexation area.

John Burrow, Chairman of the Washington County Election Commission: We are here to ask you to help us out with this election. We are implementing a whole new scheme of things in election technology and the whole State of Arkansas is having an interesting experience with that. We are still running kind of scared for the General Election in November. It would be very desirable to have this election in December. That would enable us to get all of the other elections out of the way. You will make our job a whole lot easier for the General Election if we don't have this election going on during it. The biggest problem that we have with elections is the confusion the voting community has about where they are suppose to go and vote. We could potentially have a lot of residents who are confused about whether or not they are qualified to vote in the annexation election waiting in line for a considerable amount of time and then having to call the County Clerk's office. It would be a stressful experience for our polling places.

Alderman Thiel: The money for these elections comes out of the City Clerk's budget. How many elections did you have budgeted.

Sondra Smith, City Clerk/Treasurer: I budgeted for one special election and the General Election. The Library's Special Election was paid for with the money budgeted for a special election.

Alderman Thiel: We are going to have the bond election which was not budgeted, would it be better to push this annexation election into next years budget.

Sondra Smith: That is up to the Council. We have seen an increase in the cost of elections so it might be better to pay for it this year.

Mayor Coody: We can always appropriate the money out of the General Fund surplus.

Alderman Thiel moved to amend the date for the Special Election to December 12, 2006. Alderman Marr seconded the motion. Upon roll call the motion passed 7-0. Alderman Reynolds was absent.

Alderman Lucas: With this intent to annex does that protect that area from anyone else annexing it?

City Attorney Kit Williams: My feeling is that probably the actual act of annexation is what controls. When it becomes annexed then no other city can come back and get it.

Alderman Marr: Is there any other date earlier than December 12th that we can consider.

Alderman Lucas: That is developing out there and if we want to designate a commercial node we need to move forward.

Alderman Thiel moved to reconsider the December 12, 2006 Special Election date. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Reynolds was absent.

Alderman Thiel moved to amend the date for the Special Election to October 10, 2006. Alderman Marr seconded the motion. Upon roll call the motion passed 7-0. Alderman Reynolds was absent.

Alderman Cook: I think annexation is a mistake. Our Police and Fire Departments will need more money we will have to extend sewer service and trash service. I do not think annexation is a good idea.

Alderman Marr: I think the citizens are going to decide if this is a good or bad thing, I am going to support the election for the citizens to help us make that decision.

Alderman Marr 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 Reynolds 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 Cook voting no. Alderman Reynolds was absent.

Ordinance 4888 as Recorded in the Office of the City Clerk.

NEW BUSINESS:

Amend Chapter 72 – Parking Garage Rate Adjustment: An ordinance amending § 72.58 (I), (1), City Parking Garage on Meadow Street, to adjust per visit rates.

City Attorney Kit Williams read the ordinance.

Alderman Jordan 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 Reynolds was absent.

City Attorney Kit Williams read the ordinance.

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

Ordinance 4889 Recorded in the Office of the City Clerk.

Duncan Associates Road Impact Fee Study: A resolution to accept and adopt the May 2006 Road Impact Fee Study by Duncan Associates.

Tim Conklin: What is before you this evening is to adopt the Road Impact Fee Study that was updated in May, 2006. You are just adopting the study. The next step would be for our City Attorney's office to draft an Impact Fee Ordinance to be considered by the City Council. Our City Attorney has placed in the resolution a statement that impact fees if enacted will not include the right of way acquisition cost.

Alderman Jordan: This has been through the Street Committee and we did agree to the study.

Alderman Jordan moved to approve the resolution. Alderman Marr seconded the motion. Upon roll call the resolution passed 6-1. Alderman Ferrell voting no. Alderman Reynolds was absent.

Resolution 114-06 as Recorded in the Office of the City Clerk.

Duncan Associates Water & Wastewater Impact Fee Update: A resolution accepting a proposal from Duncan Associates in the amount of \$110,000.00 to update the existing Water and Wastewater Impact Fees, to calculate fees for the collection system, and negotiate contracts with the cities of Elkins, Farmington and Greenland to pay for and provide potential Water and Wastewater Impact Fees within their corporate boundaries.

Tim Conklin: I am working with the Mayors of three cities to have an agreement signed. The City Attorney's office has finalized that agreement and it has been sent to Elkins and Farmington. I will have it to Greenland tomorrow. I would ask that this be tabled until I can bring forward the actual contract.

Alderman Ferrell: Tim I appreciate you going forward and visiting with the Mayors.

Alderman Cook moved to table the resolution to the July 6, 2006 City Council meeting. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Reynolds was absent.

This resolution was tabled to the July 6, 2006 City Council meeting.

ADM 06-2093 - Springwoods C-PZD Amendment: An ordinance to amend the approved Commercial Planned Zoning District titled C-PZD 03-8.00, Springwoods, located at I-540 and Hwy 112, containing approximately 289.26 acres.

City Attorney Kit Williams read the ordinance.

Jeremy Pate: The staff and the Planning Commission are recommending this amendment. This would allow for three uses within the Use Unit 4, elder care, hospital and dormitory. Lot 6 was planned as a commercial type development lot and all of the use units for typical commercial developments have already been approved. Use Unit 4 Cultural and Recreational Facilities was not one of those and the applicant is indicating they would like to develop something that would fall within that specific use unit.

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 Reynolds was absent.

City Attorney Kit Williams read the ordinance.

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 7-0. Alderman Reynolds 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 Reynolds was absent.

Ordinance 4890 Recorded in the Office of the City Clerk.

Special Election Capital Sales Tax Extension: An ordinance calling for a Special Election on September 12, 2006 to extend the current three quarter ($\frac{3}{4}$) cent Capital Sales Tax and authorize a one quarter ($\frac{1}{4}$) cent Capital Sales Tax for a Total Sales Tax of one (1) cent, issue bonds and short-term debt to pay for additional cost of the Waste Water System Improvement Program and for Phase 1 of the Transportation Improvement Program as recommended by the Street Committee and the Water and Sewer Committee.

City Attorney Kit Williams: The draft that we handed out had some blanks in it so we fine tuned it. We handed one out tonight that says final on the top of it. I would like a motion to amend the draft ordinance.

Alderman Jordan moved to amend the Draft Version of the ordinance to the Final Version of the ordinance. Alderman Rhoads seconded the motion. Upon roll call the motion passed 7-0. Alderman Reynolds was absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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 Reynolds 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 Reynolds was absent.

Ordinance 4891 Recorded in the Office of the City Clerk.

Planning Commission Compensation: An ordinance to amend § 33.108 Compensation of Article VII Planning Commission of the Fayetteville Code to provide that Planning Commissioners shall be compensated.

City Attorney Kit Williams read the ordinance.

Alderman Marr: The City of Fayetteville is the last city in Northwest Arkansas to do this and normally we are a leader in these areas. Benton County pays \$100 a meeting plus mileage, Rogers pays \$300 a month, Springdale pays \$300 a month, Bentonville pays \$3,600 a year and Washington County pays \$75 a meeting. I certainly think our commission is worth this in terms of the value of the position. The amount that I chose was based on where we are today, I do not think it is enough.

Mayor Coody: The Planning Commissioners put in a tremendous amount of time and effort, they take a lot of heat as well. We appreciate all their service. I do think they need to be compensated.

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

City Attorney Kit Williams read the ordinance.

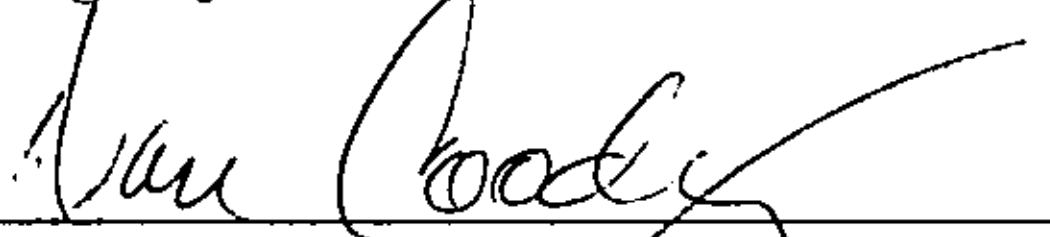
Alderman Marr moved to suspend the rules and go to the third and final reading. Alderman Jordan seconded the motion. Upon roll call the motion passed 7-0. Alderman Reynolds was absent.

City Attorney Kit Williams read the ordinance.

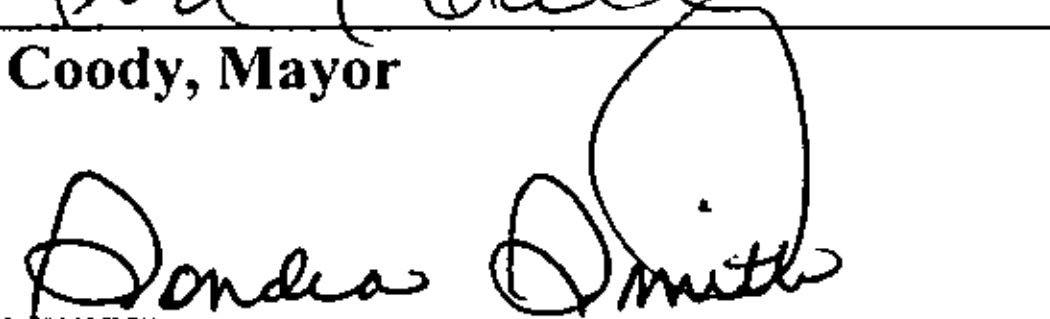
Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Reynolds was absent.

Ordinance 4892 Recorded in the Office of the City Clerk.

Meeting/Adjourned at 7:35 PM



Dan Coody, Mayor



Sondra Smith, City Clerk/Treasurer