Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

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

City of Fayetteville Arkansas
City Council
Meeting Minutes
August 1, 2006

A meeting of the Fayetteville City Council was held on August 1, 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, Marr, Ferrell, Lucas, Jordan, Mayor Dan Coody, Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Rhoads.

Pledge of Allegiance

Mayor Coody: I would like to start this meeting by recognizing a group of folks. We have a group of visitors here from Spring International most of them are from Thailand. The City Council welcomed them to Fayetteville.

We also have Mr. Paul Becker who is our new Finance and Internal Services Director here. I would like to introduce him to the Council. Paul comes with an incredible amount of experience. He has hit the ground running. He has spent a lot of time with the budget and talking with the staff. We are really glad to have you here Paul. Welcome.

Paul Becker: I am very glad to be here. I consider this a unique opportunity and I hope I can help provide you with the information to continue to make good decisions in the future.

Mayor Coody: Item # 7 on the agenda which is a rezoning, Tri City Investment's Appeal. An appeal of the Planning Commission's decision to deny a rezoning request on approximately 3 acres of property located northwest of Huntsville Road and Stonebridge Road. They have asked us to table this I believe they want to come back with a PZD and try to make something that everyone can be more comfortable with.

Alderman Thiel: You may need to announce that a little later because I don't see any of the people here. I think they expected this to be later in the agenda.

Mayor Coody: Just remind me of this again. The Ruskin Heights Charette with DPZ has been well attended. I want to remind everyone they are having a closing presentation at the Town Center tomorrow night at 7:00 PM. I would encourage everyone to show up to that.

Alderman Marr: Mayor I have an announcement for the Council. The Compensation Committee will be meeting at 4:00 PM on Tuesday August 15th in Room 326. Allen Johnson who is the Executive Vice President with Management Advisory Group which is the consulting firm for our compensation project will make a presentation about the key elements of the compensation philosophy and we really need to have all Council members participate in that. The meeting will discuss and identify the direction and the compensation philosophy of the City of Fayetteville that the Council wants to take. It is an extremely important meeting. August 24th a time to be determined Carolyn Long who is the CEO of Management Advisory Group will be on sight to facilitate the discussion of compensation philosophy for the City of Fayetteville. The philosophy will be delivered to you for review prior to the meeting on the 24th and the second meeting will be August 29th. The first meeting is August 15th you will get the preliminary documents the 24th then we will actually have a discussion on the philosophy on the 29th.

Mayor Coody: I have asked Don even though he can't be on the committee since he will be resigning his seat, to attend the meetings as a citizen. We have relied on his expertise on this for a long time so we are going to be tagging you with the responsibility to show up even though you are not on the Council so you can continue to be an important part of the conversation. Thanks for that.

CONSENT:

Approval July 18, 2006 City Council Meeting Minutes.

Approved

Arkansas Outdoor Grant Program: A resolution authorizing the Mayor to apply for an Arkansas Parks and Tourism Outdoor Recreation Grant in an amount not to exceed $125,000.00 for improvements to Sweetbriar Park, Bryce Davis Park and Gulley Park.

Resolution 127-06 as Recorded in the Office of the City Clerk.

Finger Park Playground Contract: A resolution awarding RFP 06-14 and approving a contract with ARKOMA Playgrounds in the amount of $139,996.94 for the purchase and installation of an ADA accessible playground at Finger Park; and approving a seven percent (7%) contingency in the amount of $9,843.00.

Resolution 128-06 as Recorded in the Office of the City Clerk.

ADM 06-2178 Growth Group EJ Ball Renovation: A resolution for ADM 06-2178 approving encroachments into the City's right-of-way for the purpose of constructing entrance and dining canopies on the south and west sides of 112 West Center Street, as described and depicted in the attached exhibit.

Resolution 129-06 as Recorded in the Office of the City Clerk.

Don Spann Architects Fire Station #3 Design: A resolution approving a contract with Don Spann Architects in an amount not to exceed $105,300.00 for design and oversight of the replacement of Fire Station #3.

Resolution 130-06 as Recorded in the Office of the City Clerk.

Arkansas Forestry Grant: A resolution authorizing the Fayetteville Fire Department to apply for and accept an Arkansas Forestry Commission Grant in the amount of $2,500.00 for the Fayetteville Firewise Mailout; and approving a budget adjustment recognizing the grant revenues.

Resolution 131-06 as Recorded in the Office of the City Clerk.

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

UNFINISHED BUSINESS:

ANX 06-2125 Dunnerstock/Foster: An ordinance annexing that property described in annexation petition ANX 06-2125 (CC-2006-5), for property located at the north end of 59th Avenue, off Wedington Drive, containing approximately 60.20 acres. This ordinance was left on the Second Reading at the July 18, 2006 City Council 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 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

Alderman Jordan: This was presented at the Ward 4 meeting by Mr. McCord. I want to thank him for doing that. We don't seem to have any complaints about it so I am ready to support it.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 6-1. Alderman Cook voting no. Alderman Rhoads was absent.

Ordinance 4902 as Recorded in the Office of the City Clerk.

RZN 06-2126 Dunnerstock/Foster: An ordinance rezoning that property described in rezoning petition RZN 06-2126, for approximately 60.20 acres, located north of Wedington Drive, at the end of 59th, from R-A, Residential Agricultural to RSF-4, Residential Single-Family, 4 units per acre. This ordinance was left on the Second Reading at the July 18, 2006 City Council 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 7-0. Alderman Rhoads 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 Rhoads was absent.

Ordinance 4903 as Recorded in the Office of the City Clerk.

NEW BUSINESS:

Improvement District No. 17 – The Villas at Stonebridge: An ordinance to establish and lay off Fayetteville Municipal Property Owners' Improvement District No. 17 – The Villas at Stonebridge.

City Attorney Kit Williams read the ordinance.

Alderman Marr 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 Rhoads 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 Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads 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 Rhoads was absent.

Ordinance 4904 as Recorded in the Office of the City Clerk.

Allcom Communications: An ordinance waiving the requirements of formal competitive bidding and approving a month–to–month billing arrangement with Allcom Communications in an annual amount not to exceed $30,000.00 to provide paging services.
City Attorney Kit Williams read the ordinance.

Alderman Reynolds: I noticed a lot of our employees have pagers and cell phones. What is the reason for that?

Sharon Crosson, Parking and Telecommunications Manager: In 2000 right after we renewed the last contract with our cell phone vendor we did an audit and addressed any of the situations where we had any employee that had both a cell phone and a pager. We are going to be doing another audit of that probably in the next two weeks to make sure that we have very few of those. I don't know the exact count we have of that right now but I can assure you there are not very many of them that have both.

Alderman Jordan 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 Rhoads 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 Rhoads 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 Rhoads was absent.

Ordinance 4905 as Recorded in the Office of the City Clerk.

Alltel Communications: An ordinance waiving the requirements of formal competitive bidding and approving a proposal from Alltel in an annual amount not to exceed $50,000.00 to provide cellular phone services for a period of 24 months.

City Attorney Kit Williams: When this was originally handed out at agenda session this was not exactly what was handed out so we would need to amend this before we read it. I have drafted a revision that is titled slightly differently so let me read it and see if this is satisfactory to you.

City Attorney Kit Williams read the ordinance.

The primary difference in the ordinance is in the first year they were not suppose to exceed $36,043.00 and the second year would be not to exceed $50,000.00 so I added those two together to make it more clear that for this 24 month period that is the maximum amount. If that is satisfactory we would need a motion to amend the ordinance.

Alderman Ferrell moved to amend the ordinance to the new language provided by City Attorney Kit Williams. Alderman Jordan seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

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 Rhoads 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 Rhoads 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 Rhoads was absent.

Ordinance 4906 as Recorded in the Office of the City Clerk.

RZN 06-2140 (Washington Regional Medical Center): An ordinance rezoning that property described in Rezoning Petition RZN 06-2140, for approximately 61.5 acres, located east of Gregg Avenue, north of Appleby Road from R-O, Residential Office, and C-1, Neighborhood Commercial, to P-1, Institutional.

City Attorney Kit Williams read the ordinance.

Alderman Marr: In the 2025 Plan that was discussed at the Special City Council meeting, what is this area designated?

Andrew Garner, Senior Planner: I'm not sure what it is. I believe it is designated as institutional.

Tim Conklin, Planning and Development Management Director: Since we didn't make any significant changes to that most likely it is designated as regional, commercial, or institutional. I will have to get back with you on that. We are working on bringing that back to you.

Alderman Marr: In the 2025 Plan what is the recommended zoning for institutional areas. Is it going to maintain a designation of institution?

Tim Conklin: What we have talked about is to base the categories not directly on use but type of development patterns. So if it is a special district like a campus we would identify those like a special district for medical campus or office versus just institutional.

Alderman Marr: I do think it is appropriate that when we start looking at these things now that we have adopted a 2025 Plan and an interim map that we should get some documentation on that. Thank you.

Alderman Ferrell 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 Rhoads 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 Jordan seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

Jerry Holloway, representing WRMC: Mayor and City Council my name is Jerry Holloway and I represent the client, Washington Regional Medical Center. They are actually asking that this be rezoned P-1 so that they can go into some kind of developments whether it is medical offices or parking lots or something like that without doing a conditional use permit. The C-2 is the old trailer park that had 54 trailers in it that have been removed. They have bought that. Thank you.

Mayor Coody: Any questions or comments?

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

Ordinance 4907 as Recorded in the Office of the City Clerk.

VAC 06-2139 (Washington Regional Medical Center): An ordinance approving VAC 06-2139 submitted by Washington Regional Medical Center for property located north of Appleby Road and west of Northhills Boulevard, vacating all utility easements reflected on easement plats filed for record on April 10, 2000 (Book 16, Page 72), November 29, 2001 (Book 17, Page 96) and June 03, 2003 (Book 23A, Page 47) and vacating a portion of Northhills Boulevard right-of-way as described on Exhibit "A".

City Attorney Kit Williams read the ordinance.

Alderman Ferrell 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 Rhoads 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 Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads 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 Rhoads was absent.

Ordinance 4908 as Recorded in the Office of the City Clerk.

VAC 06-2138 (Corral): An ordinance approving VAC 06-2138 submitted by Alan Reid for property located at 1182 Summersby, vacating a 39 square foot portion of the utility easement located within the subject property.

City Attorney Kit Williams read the ordinance.

Andrew Garner: To answer Alderman Thiel's question from agenda session. The building permit for this house was issued on April 7, 2003; the final certificate of occupancy was issued in August of 2004. I think that was the only outstanding question we had.

Mayor Coody: Did that answer your question?

Alderman Thiel: Yes. The reason I asked the question is because I understand that the building inspector division is trying to change their policies and trying to do a better job of not having this happen again. Hopefully we won't have many more of these because it is unfair to the people that build them properly.

Alderman Reynolds 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 Rhoads 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 Reynolds seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads 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 Rhoads was absent.

Ordinance 4909 as Recorded in the Office of the City Clerk.

RZN 06-2088 Tri City Investments Appeal: An appeal of the Planning Commission's decision to deny a rezoning request from RSF-4 to C-1 on approximately 2.78 acres of property located northwest of Huntsville Road (Hwy 16) and Stonebridge Road.

Mayor Coody: They have asked us to table this since they will be coming back with a completely different program. I would imagine we will have to table this indefinitely.

Alderman Thiel: I appreciate their move to go ahead and try to do a PZD on this. The neighborhood has really had to work on staying abreast on what is happening. It would have been nice if they would have considered this at an earlier stage. I certainly appreciate that they are doing this now.

Tim Conklin: The email that we received did not mention a PZD. Did you have a conversation with them about a PZD?

Mayor Coody: Yes.

Alderman Marr: I think it would be appropriate that the staff share with the developers the comments on Council tour about the location of the proposed building as they consider the design of their PZD. There are many people that are concerned about the placement too close to the neighborhood. I think they need to know the lack of support for that placement.

Alderman Ferrell: I concur with what you are saying. On the tour I did not hear anyone say they were opposed to putting a store there, it was just the way they were going to place it.

Alderman Lucas: I think the PZD would make the neighborhood more comfortable.

Alderman Reynolds: I would like to thank the developers for changing their plans and working with the neighborhood and Council.

Alderman Reynolds moved to table the appeal indefinitely. Alderman Thiel seconded the motion. Upon roll call the motion passed. 7-0. Alderman Rhoads was absent.

This appeal was tabled indefinitely.

Annexation of Territory – CC-2006-17: A resolution to accept the territory described by the County Court's Order No. CC-2006-17 annexing the territory into the City of Fayetteville.

Alderman Lucas: This is a piece of property that these owners had petitioned the County in May to be brought into Fayetteville. If we do not bring them in then they will be brought into Farmington and they would have to go through the process of de-annexing. Since they had already started the process I thought it would be appropriate to go ahead and bring this forward and bring them on into Fayetteville since that was their request.

Alderman Cook: As usual I disagree about annexations for the reasons that I have mentioned before.

Raymond Smith, representing the petitioners said he would be glad to answer any questions the Council might have.

Alderman Lucas moved to approve the resolution. Alderman Jordan seconded the motion. Upon roll call the resolution passed 6-1. Alderman Cook voting no. Alderman Rhoads was absent.

Resolution 132-06 as Recorded in the Office of the City Clerk.

Hoskins/City of Fayetteville Trade and Purchase of Land: A resolution to approve a trade and purchase of land, a budget adjustment of $105,500.00 and the banking of 2.64 acres for future parkland dedication requirements.

Mayor Coody: I think that 2.64 acre number has changed.

Gary Dumas, Director of Operations: Mr. Hoskins has asked for all the property the City owns on the north side of Joyce Street. That amounts to about 1.36 acres, the exact amount to be determined by a survey. He wants to trade 3 to 1 for the 7.4 acres that he has on Shiloh. We would then purchase roughly 2.5 acres and he would land bank the rest depending on how much is actually on the Joyce Street frontage. What we would be getting out of this is about 7.5 acres at a cost per acre of about $14,000 per acre. The 7.4 acres is covered by a blanket drainage easement, that easement could be removed by requesting a vacation of that easement and then consolidating the drainage down along the creek. I do not think that is an encumbrance to his future development if we do not do this deal. There is also a SWEPCO easement and an existing power line along the south line of the 7.4 acres. As a part of the trade Mr. Hoskins has also asked for the median that is currently on Joyce from roughly 300 feet east of Wilkerson to roughly 500 feet of the intersecting street be shortened so that he can get a driveway access to his property at the crest of the hill. Engineering has looked at this and as long as he satisfies the site line distances they do not have a problem with it.

Alderman Cook: The curb cut concerns me. There was a lot of discussion about providing a boulevard in that location. Another concern of mine is making that cut and people trying to turn left.

Gary Dumas: The boulevard is too narrow for a turn lane. I think the current traffic in this area would not justify the need for a turn lane but the City does have significant right of way on the south side of Joyce Street that would allow for widening if a turn lane were to become necessary. I do not anticipate the need for a dedicated left turn lane in the near future.

Alderman Ferrell: What is staff's recommendation on this trade?

Gary Dumas: I think we have a very good deal here. The land the City owns has no value to the City except as a maintenance issue. We would be getting 7.4 acres to extend green network that everyone is interested in and also extend the Skull Creek Trail through this area. I think it is a very good opportunity for the City to acquire this.

Alderman Cook: There is a 25 foot sewer easement.

Gary Dumas: Yes.

Alderman Cook: Is there an opportunity for us to use the sewer easement through there as opposed to buying this whole piece of land?

Gary Dumas: He has indicated to me that his desire is to sell the entire piece.

A discussion followed on the property.

Alderman Marr: I have two concerns on this. I completely support trying to get land for Skull Creek Trail. I like trading Johnson land to get Fayetteville land. Those aspects of this are very positive. My first concern is the .48 acres. It concerns me that we may give away land that at some point in the future we may need. I have a big problem with the curb cut. I really think we need to be careful about creating in median areas these cuts that end up losing the benefit of having a boulevard avenue.

Gary Dumas: The intersection is already a five lane intersection. There might be a possibility where that intersection might need to be widened beyond that. Even if it does there is some significant right of way along the south side.

A discussion followed on the property.

Alderman Marr: I like the first proposal that didn't have the median as a part of the contract.

Alderman Jordan: Me too.

Gary Dumas: Without the median I do not think he is interested in the trade because he can not get access to his property from Joyce Boulevard without the cut.

Alderman Marr: I think we have to be careful about not visioning what it is going to be.

A discussion followed on the property.

Alderman Cook moved to approve the original resolution. Alderman Marr seconded the motion. Upon roll call the resolution passed 5-2. Alderman Reynolds and Ferrell voting no. Alderman Rhoads was absent.

Resolution 133-06 as Recorded in the Office of the City Clerk.

Meeting Adjourned at 7:05 PM

Dan Coody, Mayor

Sondra Smith, City Clerk/Treasurer