

Aldermen

Ward 1 Position 1 - Robert Reynolds
Ward 1 Position 2 - Brenda Thiel
Ward 2 Position 1 - Kyle B. Cook
Ward 2 Position 2 - Nancy Gordon Allen
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
December 5, 2006**

A meeting of the Fayetteville City Council was held on December 5, 2006 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Vice Mayor Jordan called the meeting to order.

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

ABSENT: Mayor Coody and Alderman Ferrell

Pledge of Allegiance

CONSENT:

Approval of the November 7, 2006 City Council meeting minutes.

Class Action Suit to Recover City Taxes: A resolution to approve a contingent fee contract with Elliot & Smith to represent the City on an internet hotel broker tax remittance issue.

Resolution 202-06 as Recorded in the Office of the City Clerk.

Westside Village Condominiums: A resolution approving the Parks and Recreation Advisory Board's recommendation to accept \$138,336.00 in lieu of the required Park Land Dedication for Westside Village Condominiums.

Resolution 203-06 as Recorded in the Office of the City Clerk.

Operations Management International (OMI): A resolution approving Amendment No. 14 to the contract with Operations Management International (OMI) in the amount of \$6,104,447.88 for the operation and management of Fayetteville Wastewater Treatment Facilities for 2006, and an increase of \$153,000.00 for the cost of services in 2006; and approving a budget adjustment in the amount of \$153,000.00.

Resolution 204-06 as Recorded in the Office of the City Clerk.

Alderman Cook moved to approve the Consent Agenda as read. Alderman Reynolds seconded the motion. Upon roll call the motion passed 6-0. Alderman Rhoads was absent during the vote. Alderman Ferrell was absent.

UNFINISHED BUSINESS:

R-PZD 06-2191, University Club Tower: An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-2191, University Club Tower, located north of Lowe's Home Center, east of College Avenue (Highway 71), containing approximately 10.39 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 November 7, 2006 City Council meeting. This ordinance was left on the Second Reading at the November 21, 2006 City Council meeting.*

Alderman Reynolds moved to suspend the rules and go to the third and final reading. Alderman Lucas seconded the motion. Upon roll call the motion passed 6-0. Alderman Rhoads was absent during the vote. Alderman Ferrell was absent.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Current Planning gave a brief update on the R-PZD. The applicant has a new plan and new alignment for the road. This new alignment will ensure that all the well house structures will be saved as well as a major tree. It will also provide access to College Avenue.

Daniel Ellis, Crafton, Tull, Sparks and Associates, Engineer for the project: We have a new alignment, we are staying off the bluff and we are not impacting the hillside, well house, or any of the significant trees. We have a verbal commitment from Mr. Pitts that he will provide us any access easement that is deemed necessary in order to get this road constructed and not impact the well house or the trees.

Alderman Cook: Regarding the private drive what happens if it is not maintained to standard and who determines if it is being maintained or not?

Jeremy Pate: The City has the right but does not have to maintain a private street. I assume the level of service would be determined by our Transportation Department. We have the right to maintain the street if it is not being maintained and charge back the developer or POA a lien on the property. That is detailed in our planned zoning district ordinance.

Alderman Reynolds asked where the street will be located.

Jeremy Pate showed Alderman Reynolds where the street will be located.

City Attorney Kit Williams asked about the trail.

Daniel Ellis: The trail is staying as part of the conditions of approval.

Alderman Cook asked if they will have to cut into the hillside.

Daniel Ellis: There is one small area that we will have to cut into the bluff. It will not impact any of the trees.

Alderman Allen asked if the units are sold or rented will the responsibility for upkeep of the road go back to the original developer.

City Attorney Kit Williams: The property owners will be required to maintain the road.

Alderman Allen: Are emergency vehicles comfortable with accessing this private drive.

Jeremy Pate: Yes.

Vice Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Ferrell was absent.

Ordinance 4954 as Recorded in the Office of the City Clerk.

R-PZD 06-2256, 932 Garland: An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-2256, 932 Garland, located at 932 Garland, between Berry and Hughes Street, containing approximately 0.84 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 November 7, 2006 City Council meeting. This ordinance was left on the Second Reading at the November 21, 2006 City Council meeting.*

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

City Attorney Kit Williams read the ordinance.

Yume Rudzinski, Architect for the project: Gave a brief update on the project. She stated they are trying to design a building that will be a gateway to the City.

Russell Rudzinski also gave a brief update on the project. He presented a slide show on the project.

Alderman Thiel: Was there any consideration during this process by the Planning staff to recommend a step back on Garland due to the height.

Jeremy Pate: I think if you had the bulk of the property on the other end it would sit higher due to the grade and have more visual impact on the property. We don't have those transition findings to make in a PZD for residential uses. We felt if there was height on this project it would be better served on the lower end due to the impact from the view shed when you look at the property from surrounding streets.

Alderman Thiel: What is the status as far as requirements for apartments to design standards?

Jeremy Pate: We have started looking at that.

Alderman Reynolds asked about the infrastructure improvements the project will make.

Jeremy Pate: Garland is very much improved as well as Berry and Hughes. All the details have not been worked out yet.

Alderman Allen asked for an estimated price of the condos?

Steve Mansfield, developer: I can not give you a price at this time. Our intention is that they will be significantly less than the prices that we are seeing on Dickson Street which are running \$300 to \$350 per square foot. Because we have not designed the building it is really hard to give you a specific number. Hopefully we can bring the prices in between \$150 and \$250 per foot.

Alderman Allen: Has more windows and doors on the west side of the building been addressed?

Steve Mansfield: We will be making some adjustments to the west side.

Alderman Allen: Have you spoke to the neighborhood association in the area.

Steve Mansfield: I try to get as much public feedback as I can before we get to the Planning Commission stage or it goes to the City Council. We have attempted to have as many public meetings as possible. We did have a Ward 4 meeting. I believe the feed back was generally positive.

Alderman Lucas: The Ward 4 people were fairly positive about the project.

Alderman Cook: One of my biggest concerns is the traffic flow of this development. I am concerned about increasing the density. I feel it is a little too tall, but there are a lot of good things to say about the project.

Steve Mansfield explained how they have tried to relieve some of the traffic issues. He stated a traffic study will be conducted if this is approved.

Alderman Allen: I think having a traffic study completed is reassuring. I do have some trouble with the height of the building however I think the terrain is low enough there that it is not as problematic as it would be at other sites.

Steve Mansfield: The width of Garland is such that this height is almost perfect as far as one to one ratio from the width of the street to the height of the building as far as what architects are looking for today with regard to the proper height ratio to the street.

Alderman Cook: One thing I look at strongly too is this is currently zoned RMF-40 and looking at the other developments that have occurred in that zoning, I would much rather take this one. The RMF zoning in that area and what has been developed is excruciatingly painful to see in my opinion.

Vice Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. **Alderman Ferrell** was absent.

Ordinance 4955 as Recorded in the Office of the City Clerk.

Emerald Point ADM 06-2282 Appeal: A resolution to approve the appeal of ADM 06-2282 (Emerald Point) and to approve the amended plat with an amended condition of approval # 1. *This appeal was Tabled at the November 7, 2006 City Council meeting to the November 21, 2006 City Council meeting. This appeal was Tabled at the November 21, 2006 City Council meeting to the December 5, 2006 City Council meeting.*

Jeremy Pate: I received a revised drawing today and a letter of agreement in which a stub out can be accommodated on the western side. An agreement has been reached between the two property owners. Based on the letter and drawings you have in front of you staff is recommending approval of this appeal. There is an amended condition of approval that states the applicant is proposing two street stub outs to the south which will be connected. A minimum of 42 foot of right of way shall be dedicated and a 24 foot public street shall be constructed approximately 70 feet south to provide for future public access. Hopefully this will be a solution everyone can live with.

A discussion followed on the amendment.

Alderman Cook: Is staff comfortable with the storm drainage that has been proposed.

Ron Petrie, City Engineer: I don't think we have worked out all the issues with storm drainage. The widening of the detention pond will address moving the on site flow to the south but it will not address moving the off site flow to the south. We still have to find a place for the off site flow to go.

Alderman Lucas moved to approve the appeal, the amended condition of approval and the amended plat. **Alderman Jordan** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Ferrell** was absent.

This appeal was approved.

Resolution 205-06 as Recorded in the Office of the City Clerk.

Sunbridge Villas R-PZD 06-2213 Appeal: An ordinance establishing a Residential Planned Zoning District Tiled R-PZD 06-2213, Sunbridge Villas, located northwest of Sunbridge Drive and Villa Blvd., containing approximately 20.92 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 November 7, 2006 City Council meeting. This ordinance was left on the Second Reading at the November 21, 2006 City Council meeting.***

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 7-0. Alderman Ferrell was absent.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief history of the project. He stated we are recommending that you amend this project to accept an Exhibit C which is located in the handout that was passed out. Jeremy went over the conditions of approval. Staff is recommending an amendment to this R-PZD to accept Exhibit C as a condition of approval.

Hugh Earnest, representing Hometown Development: Blind Squirrel, LLD is developing the project. The site consists of 141 platted lots that has been operated as a trailer park for several years. Mr. Housley is selling the property. The property can be sold as individual lots as it sits and can be developed by right without going through an approval process. It is our desire to use the PZD process to clearly explain the proposed use of the property. The use as explained in the application is 129 single family homes and 36 multi-family units. The Planning Commission was concerned about the lack of diversity in the types of single family plans in the application. We will use a number of different plans in the subdivision. The community building shown on the site plan is an existing building that will be upgraded and remodeled. It will not be replaced with a new building. We are requesting a waiver of the requirement that dumpsters be placed to serve the multi-family units. It is an excellent use of an existing site.

Gene Housley, property owner gave a brief description of the existing property. He explained the relocation process for the existing residents. He stated he is currently not renting the properties as residents move.

Alderman Reynolds asked about the water lines for the project and the fire hydrants for the project. He stated he has no problem with the project he thinks they are doing a good thing with an area of town that needs it.

Ron Petrie: The water lines exist and they serve all the development. It is a matter of record that we need to flow test. We need the recorded flow data but it really does not concern us that the flow is not there. We have enough data in this area that tells us there will be no concerns about flow. We have some specific fire hydrants on the site that we need the data for.

Alderman Thiel moved to amend Exhibit C the Conditions of Approval. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Ferrell was absent.

Vice Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Ferrell was absent.

Ordinance 4956 as Recorded in the Office of the City Clerk.

R-PZD 06-1884, Westside Village: An ordinance establishing a Residential Planned Zoning District Titled R-PZD 06-1884, Westside Village, located south of Wedington, east of Ruppel Road, containing approximately 21.63 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan. ***This ordinance was left on the Second Reading at the November 21, 2006 City Council meeting.***

Alderman Lucas 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 Ferrell was absent.

City Attorney Kit Williams read the ordinance.

Jeremy Pate: I have provided you with a traffic study. The study provided traffic for this development and also a cumulative effect of several projects in the area that have been discussed. Several of these projects have not been constructed but it did account for those. The study made recommendations for when those projects are developed out as well. Our recommendations for street improvements on this project did take that traffic study into consideration.

The density on the project is proposed as 16.3 dwelling units per acre. The property is currently zoned for 24 units per acre so it is actually a decrease in the overall dwelling units that would be allowed.

The Council also requested the Ruppel Road minimum assessment amounts. That was included with the final agenda. Jeremy explained the improvements to Ruppel Road.

Alderman Jordan asked about the letter of credit and the time frame.

City Attorney Kit Williams: October 10, 2001 is when the contract was agreed to. So it would be October 9, 2007 before the letter of credit will expire.

Jeremy Pate: The letter of credit states from the date when all conditions are met for the Fayetteville Boys and Girls Club to obtain a Reynolds grant. So we will need to check that date and confirm that.

City Attorney Kit Williams: That is correct.

Alderman Jordan: A bank has been proposed at the corner of Ruppel and Wedington and they were not assessed any sort of street improvement cost because they face Wedington, is that correct?

Alderman Reynolds: Are those fire hydrants the correct size to service this type of development?

David Jurgens, Water & Wastewater Director: The fire hydrants that are there come off of dead end six inch lines. The hydrants are up to standard, they are up to code, they just have not been flow tested. We asked for a loop between the two six inch lines to provide an adequate loop through the subdivision rather than have them off of dead end lines. I believe the fire hydrant spacing is indeed adequate.

Alderman Thiel: The dwellings where shown as brick was that in our packet? I think they should be built the way they were shown.

Jeremy Pate: We can let the record reflect that.

Alderman Allen: Were all the interior streets in this project private?

Jeremy Pate: They are except for Villa. It is already a public street and currently goes through the project. We do not know the exact means of how those streets were constructed when the mobile home park was constructed therefore staff was not willing to recommend to the Council to accept them as a public street. That is a very typical recommendation in that case. They all have curb and gutter and will have to be overlaid.

Alderman Cook: The private street stub out to the west in Lot 55, is that still applicable?

Jeremy Pate: The Planning Commission added two conditions of approval, the non-residential structure shall comply with commercial design standards and a private street stub out shall be provided to the west in the vicinity of Lot 55. Staff did not recommend the stub out originally, we did remove that condition of approval for the stub out in the vicinity of Lot 55.

Alderman Cook: So there is no opportunity for any connection to the Greens development at all?

Jeremy Pate: Not presently. There are developed improvements adjacent to this property that would not allow that currently. I did not feel the 28 more units on the property would be a major contributor to traffic in the area.

Alderman Cook: Why is every lot surrounded by an easement?

David Jurgens: Most of the utilities did not follow the streets, they went between the trailers. Some of those easements are probably not required. All the easements need to be brought up to the current code as they redevelop. There will be some increased easements and probably some elimination of other easements.

Jeremy Pate: A lot of those are building setbacks.

Alderman Allen: It was a concern of mine that these people that are living there be placed and it seems to me that we have satisfied that and the Planning Commission's concern of a variety of facades that it seems like it will be a good project.

Jeremy Pate: They were not within this subdivision and they had access onto Wedington Drive. They did request to access onto Ruppel as well for cross access. That is a typical policy requirement to provide cross access. We recommended the connection to Ruppel. We did not recommend any assessment as part of this contract or any other, we felt the right of way dedication necessary for a principal arterial to create a five lane section there at Ruppel Road was sufficient for a bank. Typically a bank does not generate a great deal of traffic and an improvement like that would be abnormal in terms of our recommendations.

Alderman Lucas: I am concerned about the difference between the Planning staff and the Planning Commission regarding the street.

Jeremy Pate: There were several conditions that staff and the Planning Commission disagreed with. Most of those have to do with waiver requests. Our Engineering staff could not support several of the waiver requests that were in this submittal and recommended denial of those, the Planning Commission however found in favor of them. Those are things I would ask the City Council to make decisions on. If you approve the project as it is today you will be going along with what the Planning Commission has recommended. Jeremy explained the different conditions and their view on the conditions.

A discussion followed on the conditions of approval. City Attorney Kit Williams read the contract that was signed with the developer regarding the stub out streets.

Ron Petrie: We are very supportive of the narrower roads and the tighter radius if done properly and in the proper context. I don't feel we have been provided with enough information to make a true determination. They are proposing 15 feet and we are satisfied with the 23 foot wide streets with a 20 foot radius.

Alderman Thiel: I would recommend tabling this until we get all of the information in front of us and we know what we are actually approving.

Alderman Lucas: I would also like to table this and send it to the Street Committee and let them work this out. It is a good development.

Alderman Jordan: It is a good development.

Rick Alexander, Developer: I think we can agree to the 20 foot radius.

Alderman Thiel moved to table the ordinance to the December 19, 2006 City Council meeting. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Ferrell was absent.

This ordinance was tabled to the December 19, 2006 City Council meeting.

ADM 06-2252 Future Land Use Map: A resolution adopting the Future Land Use Map and associated text as part of the City Plan 2025 Comprehensive Land Use Plan for the City of

Fayetteville. *This resolution was Tabled at the November 21, 2006 City Council meeting to the December 5, 2006 City Council meeting.*

Tim Conklin: I handed out a potential amendment you may want to make based on a previous Council decision regarding a cold storage facility on South School Street. You asked staff to go back and look at our Future Land Use Map and look at how to create a Future Land Use Map that was based on the City Plan 2025 principles. You should have received a map in your packet. This is a map that will be utilized as a guide by the Planning staff when rezoning's and developments come before you. It has been reviewed by the Planning staff. We have had a lot of discussion in trying to look at how to implement those goals within the City Plan 2025.

Alderman Thiel: I really appreciate staff reconsidering the use in this area. I do have a concern about the area on Mission where Ruskin Heights is planned; part of that area has been designated as a denser area.

Tim Conklin: A lot of the areas that were designated as Residential Neighborhoods recognized that the development pattern with the existing platted subdivisions that are in those areas are most likely not going to see a lot of change. Where there is opportunity to show city neighborhood areas we have shown those within the plan. There are other areas that are not developed that talk about complete, compact and connected neighborhoods with a mixture of uses. With regard to the Ruskin Heights proposal staff was aware that was being discussed as we were putting this map together but also many of the subdivisions that are platted probably are not going to change with a mixture of uses over time due to their POA covenants with regard to the land use and other restrictions. If you will look to the west and to the north on the map there are other areas that are shown as blue that are currently undeveloped. We looked at infill opportunities to allow people to have the ability to have a mixture of housing types, housing choices, mixed use and hopefully great neighborhoods that are walkable. That is the reason we showed those areas like that.

Alderman Thiel: Most of those areas are connected; I can't see another one that stands out by itself like that.

Tim Conklin: When you look at the map a lot of it is platted around there, it is already developed. As we looked at those areas it was difficult to show a different development pattern when it was already platted. We have had a lot of discussion with regard to this. If we want to encourage a mixture of housing types and potential mixed use and infill sites then we are trying to designate those within the city and not far out on the edges. Those are the reasons that we showed that as a City Neighborhood area.

Alderman Reynolds: When that change was done you did not visit with any of the neighborhood associations or with either alderman from the ward. I have had a lot of phone calls and letters from people that do not want that.

Tim Conklin: This is a city wide Future Land Use Map to be used as a guide. This is the time and place to bring up those concerns. We are dealing with thousands of acres and changing how we classify land use from previous land use maps.

City Attorney Kit Williams: The City Council has the right to modify this map.

Don Conner, a resident asked about the different designations on the map. He stated that on the July 17, 2006 map that was approved by this Council that area on Mission was not zoned blue.

Alderman Thiel moved to amend the map in the area south of Mission that is designated as City Neighborhood to Residential Neighborhood and the area south of Sunrise Mountain from Industrial to Rural. **Alderman Reynolds** seconded the motion.

Alderman Cook: This map is a guide and every agenda we have rezonings. The map is constantly in flux.

Dirk Van Veen, Ruskin Heights Developer: We brought forth a project that is in the bounds of the 2025 Plan and tried to address all six points. The map is a recommendation. I don't see how we can start nit picking areas that are undeveloped and unplatted and say they are not eligible for a mix of uses. To much of our own time and great personal expense we have invested in the idea that Fayetteville will move forward. I hope that we do not take a step backwards here. At some point we have to be more concerned with what is good for Fayetteville and allay the fears until a project can prove itself. It is not going to be easy to go against some of your constituents but it is important to Fayetteville as a whole unless we would like to continue to see conventional sprawl development as far as it can go until we run out of pipe and roads.

Upon roll call the motion passed 7-0. **Alderman Ferrell** was absent.

Alderman Thiel moved to approve the resolution. **Alderman Reynolds** seconded the motion. Upon roll call the resolution passed 7-0. **Alderman Ferrell** was absent.

Resolution 206-06 as Recorded in the Office of the City Clerk.

Proposed 2007 Annual Budget & Work Program: A resolution adopting the 2007 Annual Budget and Work Program as approved and amended. *This resolution was Tabled at the November 21, 2006 City Council meeting to the December 5, 2006 City Council meeting.*

Paul Becker, Finance Director: The total operating budget is \$127.5 million. \$7.4 million of the increase over the prior year is for debt service for the new bond issue. There is a balanced General Fund budget and the budget provides for implementation of the compensation plan over a two year period. The other funds are balanced prior to capital expenditures except for the Airport which has a slight deficit.

Alderman Thiel: Does the budget include the staff's recommended nonprofit funding?

Paul Becker: Yes it does.

Alderman Thiel had some questions regarding the Ozark Regional Transit funding and them cutting services to the elderly and low income residents unless the city increases their funding amount.

Susan Thomas, Public Information and Policy Advisor: I represent the city on the Ozark Regional Transit Board and I have requested a meeting with the Director of Ozark Regional

Tim Conklin: That is correct.

Alderman Allen: Was the change in this map contingent on the probability of a project coming through. Did the map change because of the project?

Tim Conklin: No.

Alderman Thiel: I like planned zoning districts and I am not saying a planned zoning district would not be good there. I am concerned about the zoning being a given in that area. There is a lot of controversy in the neighborhood.

Tim Conklin: With regard to assuming whether or not staff is trying to base the Land Use Map on a particular project, you decide the zoning, this is a guide. At the same time we have to realize that if we are going to implement the City Plan we will have to find areas we can designate for future land uses and development patterns. This map has changed one hundred percent, it is a brand new map, it did not change just one individual area.

Karen Minkel: Because the entire map has changed we did not target any one neighborhood group. All of the Fayetteville Council of Neighborhood organizations were invited to attend two open houses to invite feedback from the entire city.

Alderman Lucas: Why were there not more blue zoned areas out west towards Wedington?

Tim Conklin: We showed a lot of potential around the Boys and Girls Club and we tried to confine it more towards the city center.

Alderman Reynolds: Tim, you and your staff do a wonderful job, the map is great, we just have to make some changes when we hear from our constituents.

Alderman Cook: The blue and the yellow are both residential zones. The blue allows a little more intensity as far as the commercial. We are talking about similar zonings.

Alderman Thiel: Some of the residents around the area on Mission did attend some of the public meetings and expressed their concern then.

Tim Conklin: Staff did receive concerns when it was presented. We did not make changes when we received a few comments. We did receive other comments in other areas also.

A discussion followed on different areas on the map and potential zonings for those areas.

Alderman Allen: Once these kinks are worked out and we go ahead and decide upon the map, how flexible is it, how easily can it be altered?

Tim Conklin: The map can be amended at any time just like you do the zoning map. Keep in mind this is a guide. It is not set in stone however staff would recommend that we maintain it or try to move towards consistency with our zoning.

Transit and Yolanda Fields, Director of CDBG. I have asked for some project accounting from Ozark Regional Transit.

Alderman Reynolds asked for a list of routes that might be discounted.

Alderman Cook: The City of Fayetteville has gone above and beyond to help Ozark Regional Transit. It is frustrating to me; at times I wish we would pull all that money and give it Razorback Transit. I would hope Ozark Regional Transit will come forward with the information we need.

Dominic Swanfeld, Fraternal Order of Police voiced his concern about funding the compensation plan over a two year period. He stated the system was changed from a step system to an open range system for the Police Department and he believes that is a fair system to go to. He voiced his concern about some of the officers being behind the market with a two year implementation.

Alderman Cook moved to table the resolution to the December 19, 2006 City Council meeting. **Alderman Rhoads** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Ferrell** was absent.

This ordinance was tabled to the December 19, 2006 City Council meeting.

NEW BUSINESS:

RZN 06-2320, Garner: An ordinance rezoning that property described in rezoning petition RZN 06-2320, for approximately 0.75 acres, located at 904 15th Street from RMF-24, Residential Multi-Family, 24 units per acre to C-2, Thoroughfare Commercial with the Associated Bill of Assurance.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the rezoning request. Staff found in favor of this rezoning request and Planning Commission voted 8-0 but did stress that it is with the Bill of Assurance that they are recommending this and without the Bill of Assurance they would have concerns.

Alderman Thiel: I am supportive of this and have not had any calls on it.

Alderman Cook: I am not against what they are proposing but I can not get my mind rapped around the C-2 zoning. How did it get to the point that it is C-2?

Jeremy Pate: None of the other zoning districts would allow all of these uses by right.

Jeremy explained the other zoning's they looked at for this property.

Alderman Reynolds stated this actually fits within the neighborhood.

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

City Attorney Kit Williams read the ordinance.

Alderman Cook: I have nothing against the development but I am going to vote against this because I am worried about the precedence the C-2 zoning will establish.

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

Ordinance 4957 as Recorded in the Office of the City Clerk.

VAC 06-2315, Paul: An ordinance approving VAC 06-2315 submitted by Alan Reid & Associates for property located at 2753 East Par Court, vacating a portion of the utility easement located within the subject property.

City Attorney Kit Williams read the ordinance.

Jeremy Pate: Planning staff and the Planning Commission are recommending that this vacation be approved by the City Council. Jeremy gave a brief summary of the vacation.

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

City Attorney Kit Williams read the ordinance.

Alderman Cook 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 Ferrell was absent.

City Attorney Kit Williams read the ordinance.

Alderman Lucas: I get very frustrated with these vacations.

Vice Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Ferrell was absent.

Ordinance 4958 as Recorded in the Office of the City Clerk.

ADM 06-2322 North Street ROW Dedication Variance: A resolution reducing the right of way dedication required from North Street centerline from 55 feet to 44 feet accommodating the existing structure and proposed development for property located at 1104 N. College Avenue as described in item ADM 06-2322.

Jeremy Pate gave a brief description of the dedication variance. He stated the Planning Commission voted 8-0 in favor of the dedication variance. The Street Committee also recommended it with three conditions of approval.

Ron Petrie described the different scenarios they looked at for the street in the future.

Alderman Cook: I support staff's recommendation of the 44 feet. I am glad that someone wants to do something with this building.

A discussion followed on the current setbacks in this area and the green space for the area in the future.

Josh Pettit, the owner gave the Council a presentation regarding the proposed project. He also read a statement to the Council regarding the proposed restaurant for the project and the improvements proposed for the new project. He stated they are willing to dedicate 32 feet of right of way. He voiced his concern about the vagueness of the green space that may be needed for the project. He showed their proposed green space.

A discussion followed on the landscaping that will be needed for the project and the alignment of North Street in the future.

The Council decided to table the resolution until the Street Committee looks at it again.

Alderman Lucas moved to table the resolution to the December 19, 2006 City Council meeting. Alderman Cook seconded the motion. Upon roll call the motion to table passed 7-0. Alderman Ferrell was absent.

This resolution was tabled to the December 19, 2006 City Council meeting.

ADM 06-2354 Garland Avenue ROW Dedication Variance: A resolution approving a variance of the Unified Development Code Chapter 164.12(F) Nonconforming Uses and Structures, Repairs and Maintenance, and Chapter 166.18 Master Street Plan Setbacks, allowing the existing structure located at 1305 Garland Avenue to remain within the Master Street Plan right of way and to be improved greater than the 10% allowed by code, within the existing limits of the structure.

Jeremy Pate gave a brief description of the dedication variance. Staff is recommending approval.

Alderman Lucas: I am fairly comfortable with this.

Ron Petrie gave a brief summary of the right of way, the current parking, and the sidewalks.

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

Resolution 207-06 as Recorded in the Office of the City Clerk.

Sales Tax 2006A Construction Fund: A resolution approving the creation of a new fund to be called "Sales Tax 2006A Construction Fund;" and approving a budget adjustment in the amount of \$50,788,406.00 for the Wastewater Systems Improvement Project, the Street Improvements Bond Project, and the Trail Improvements Bond Project.

Paul Becker: This appropriates the money from Phase 1 of the bond issue that was approved. This will let us go forward with the project.

Alderman Cook moved to approve the resolution. **Alderman Lucas** seconded the motion. Upon roll call the resolution passed 7-0. **Alderman Ferrell** was absent.

Resolution 208-06 as Recorded in the Office of the City Clerk

McClelland Consulting Engineers, Inc: A resolution awarding an engineering contract to McClelland Consulting Engineers, Inc. in an amount not to exceed \$108,111.40 for preliminary design services, surveys, and related services associated with the College Avenue Improvement Project.

Ron Petrie gave a brief description of the project.

Alderman Cook moved to approve the resolution. **Alderman Lucas** seconded the motion. Upon roll call the resolution passed 7-0. **Alderman Ferrell** was absent.

Resolution 209-06 as Recorded in the Office of the City Clerk

Stadium Centre Cottages Appeal: An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-2212, Stadium Centre Cottages, located at Old Farmington Road, west of Sandra Street; containing approximately 2.45 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the property. Staff and the Planning Commission voted to deny this R-PZD due to compatibility, connectivity and off site street improvements. He also stated all these issues were resolved. The Planning Commission was concerned with the lack of open space, density, compatibility, and increased traffic. Staff recommended approval of the revised lay out and the revised project finding that all the previously detailed issues had been

fully addressed. Jeremy stated they found it compatible in density, land use and meeting many of the goals of our City Plan 2025 and our planned zoning district ordinance.

Jeremy went over the proposed improvements to the street and sidewalks that would be made if this project is approved.

Alderman Jordan: I would suggest we have a meeting with the neighborhood.

Alderman Reynolds asked about the proposed trees for the project.

Jeremy Pate: Based on the tree preservation plan there will be 61 two inch caliber trees planned for the development. The remainder would be paid into the tree escrow account for trees in this area if they can not be put in this subdivision.

A discussion followed on the street and the private street for the proposed subdivision.

Tom Hennelly, H2 Engineering addressed the Council's concerns about the private street and the other streets in the project.

Alderman Allen asked the approximate cost of the homes.

Tom Hennelly: Around \$135,000.

Larry Lames, resident of Sandra Street stated he did not have a problem with this land being developed he has a problem with the density and using Sandra Street as the entrance. He stated Sandra is a narrow street and there are no sidewalks.

Jerry Surles, a resident of Sandra Street agreed with what Mr. Lames said. He is concerned about the traffic and the street being a one lane street. He also voiced his concern about the setbacks for the proposed project.

Alderman Jordan proposed a meeting with the neighborhood and the developer to discuss the proposed project.

This ordinance was Left on the First Reading.

Easement Vacation for Archer (VAC 06-2289) Appeal: An ordinance approving VAC 06-2289 submitted by Crafton Tull and Associates for property located at the west end of Markham, west of Sang Avenue, vacating a 0.35 acre portion of a right-of-way on the subject property.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief summary of the vacation request. The Planning Commission voted 7-1 to deny this request. The main reasons given by the Planning Commission to deny this request were traffic and pedestrian safety issues related to the private drive becoming a one way drive into the property. Staff did not find that a dangerous or safety condition would occur with the

right of way vacation as proposed and recommended approval of the vacation request with the conditions.

Albert Stiles, Architect for the project showed the Council a picture of the road. He showed the Council what the street might look like if they had to put a sidewalk and retaining wall along the street. He also showed the Council their proposal that would save the trees along the street.

John McDonald, track coach for the University of Arkansas stated the University uses this property and the trails. He stated the Archers are trying to preserve this property and keep it beautiful.

Kelly O'Mara, high school coach stated his runners go up there on a regular basis. He stated his runners would probably never use a sidewalk because they are dangerous to the runners. He stated he did not feel a sidewalk is necessary.

Felicia Farris, a resident voiced her concern about the pedestrians that will be using Markham Hill. She stated there will be increased traffic on this street in the future. She expressed her concern about the drainage problems from Markham when there are big rains. She asked the Council to build this road right the first time.

Julian Archer, owner of Pratt Place Inn thanked the Council for their time. He stated the issue is not about a sidewalk the issue is about how best to protect the people that are on foot. He stated the Inn is not going to increase pedestrian traffic; they are going to drive there. He stated the people that come up there on foot come up to the property to run. He stated his engineers have spent a lot of time studying the water flow that comes off the hill and they will be putting in new culverts and will widen the road so there will be appropriate drainage.

Alderman Allen stated she has concerns about pedestrians as this area changes. She also said she has to look at how the Planning Commission voted on this.

Jeremy Pate: The discussion at Planning Commission centered primarily on what the property owners would do once the city gave up that right of way. A lot of the discussion came back to pedestrian safety centering on runners and pedestrians utilizing this area. Ultimately in a commercial or multifamily development as the street becomes a private driveway off the public street we don't typically have a sidewalk requirement that goes along that public street into the development. If they choose to do a one way street and loop it back that is something we certainly would allow with most projects. I believe this is 72.1 acres that the majority of which will never be developed unless the zoning changes. We felt the traffic generated by this development was not going to be significant.

Alderman Lucas: I think it is a unique piece of property and I am very glad that we are making an attempt to preserve it but as with anything another Council can change it. The water that comes from that hill is a real concern. There will be people walking going to and from the games and that concerns me. I am not one that likes to vacate city property. In a few years we do not know what is going to be developed and what is going to change on this property. We struggled with this PZD, so I am not in favor of changing anything. I think we need to stick with the PZD that we have. I am not in favor of vacating the street.

Alderman Jordan: I have issues with vacating this road and making it a private drive because the city loses control of it. I think the city should be in control of the road. I have received calls and emails from the neighbors. I am not going to support the appeal. I think it is a good development and the Inn is a fine thing but I think this is a safety issue.

Alderman Cook: If the appeal is denied what is going to be required from this point forward?

Jeremy Pate: The same conditions that were placed on the property from the large scale development. There is a diagram in your packet.

Albert Stiles: I think the issue is not the sidewalk or no sidewalk we can put in a sidewalk, just not where they are showing one. We can save the trees and put it on the other side. The issue is the location of the sidewalk.

Jeremy Pate: With the conditions in the large scale development it is adjacent to the curb.

Alderman Thiel: I don't particularly like the way that looks. Is there any way we can redesign this to be more natural.

Alderman Reynolds: Is there going to be green space between the curb and the sidewalk?

Jeremy Pate: No. In order to try to reduce the amount of disturbance of the tree canopy there is no green space between the curb and the sidewalk.

Alderman Rhoads: I think it is a unique piece of property and it is worthy of making an exception for.

A discussion followed on the project and the location of the sidewalk.

City Attorney Kit Williams: Instead of vacating the entire street they can vacate that section of the street where the sidewalk is to be built and that vacation could be on condition that you build it through the woods so you can save the trees.

Alderman Jordan: I would like for us to settle on something.

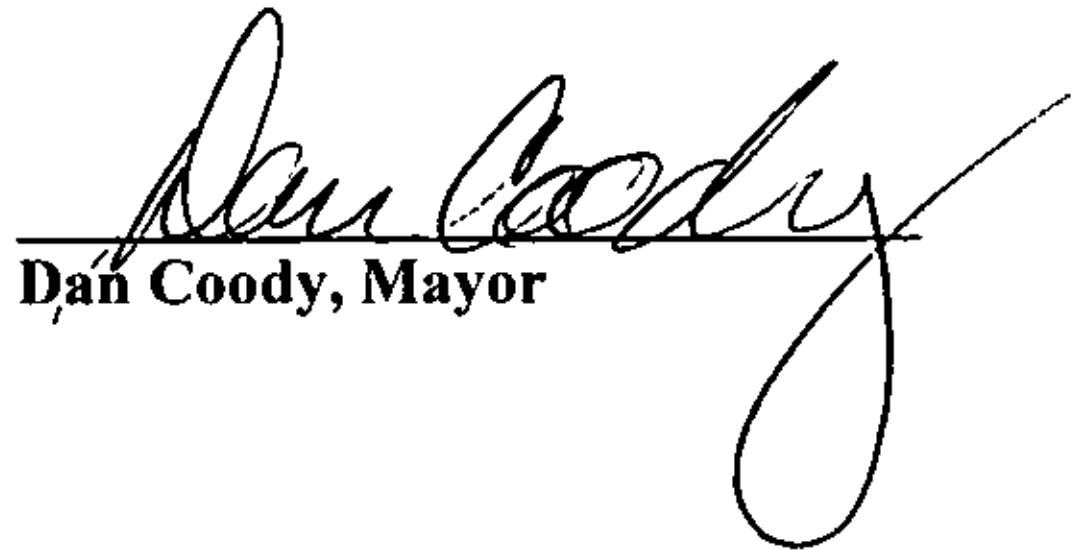
Julian Archer: I would hope this is the last thing we would have come before you. I think it would be a benefit for the city and for us and the neighborhood to not have the curb side sidewalk and allow us to have the sidewalk setback and meander through the trees.

Alderman Lucas 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 Ferrell was absent.

City Attorney Kit Williams read the ordinance.

This ordinance was Left on the Second Reading.

Meeting adjourned at 10:45 PM



Dan Coody
Dan Coody, Mayor



Sondra Smith
Sondra Smith, City Clerk/Treasurer