

**Aldermen**

Ward 1 Position 1 – Adella Gray  
Ward 1 Position 2 – Brenda Thiel  
Ward 2 Position 1 – Kyle B. Cook  
Ward 2 Position 2 – Nancy 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  
May 15, 2007**

A meeting of the Fayetteville City Council was held on May 15, 2007 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 Gray, Thiel, Cook, Allen, Rhoads, Ferrell, Lucas, Jordan, Mayor Coody, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience**

**Pledge of Allegiance**

**Mayor Coody welcomed John Coleman the new Sustainability Coordinator to the City of Fayetteville.**

**John Coleman:** I appreciate you having me. We had the interviews a few months ago so we had a lag period there. I have been anticipating getting to Fayetteville. I came on board yesterday and it's been a bit of a whirlwind but I'm glad to be here.

**Mayor Coody:** It's good to have you John. He's from Austin and he just got his Masters in Public Policy at LBJ University at the University of Texas. He has a long history of doing good work all over the country. He just left Austin where he was helping put together their energy program. We are really going to hit the ground running.

**City Attorney Kit Williams Outstanding Service Award**

**Mayor Coody:** Kit, I have an outstanding service award to present to you that says: In recognition of your hard work and dedication of bringing the tax increment financing litigation to a successful conclusion. Thank you.

**City Attorney Kit Williams:** Thank you Mayor.

**Mayor Coody:** That took how many years?

**City Attorney Kit Williams:** Not even two years but it was a labor that I'm glad is over with and was resolved fairly successfully for us and for all the government entities. I am happy with the Supreme Court ruling and am glad that they made a comprehensive decision as I asked them to do.

**Mayor Coody:** Well, you did a good job on that. Thanks for your dedication and hard work.

**Alderman Cook** announced the board and committee openings. He stated applications are taken at the clerk's office through June 1<sup>st</sup>. He went on to read the board and committee vacancies.

#### **Botanical Garden Annual Report - Catherine Bass.**

**Mayor Coody:** Cathy Bass is here tonight. I would like to congratulate you on your Greening of the Garden fundraiser the other night. The crowds were incredible and the gardens have transformed like I never expected to see them. You guys have really done an amazing job.

**Catherine Bass** briefly went over the Botanical Garden Annual Report. She stated I advise you to come and look at it.

**Mayor Coody:** Once again I want to congratulate you on the incredible transformation the garden has gone through. Everyone should get out and take a look at it.

**Catherine Bass:** We hope it will be well used. It's a public garden and it's your garden so please come.

**Alderman Lucas:** Cathy, what are the hours and when is it open so the public will know?

**Catherine Bass:** They can come now. It would be fun to watch as things are added and changed. There are walkways and it is very safe. People are invited to come out and of course the trail is used heavily.

**Mayor Coody:** Thanks for all your hard work. Thanks for all your hard work out there Scott, the place looks great. I can't wait to see it three years from now. It's going to be unbelievable.

#### **CONSENT:**

**Approval of the April 17, 2007 and May 1, 2007 City Council meeting minutes.**

**Approved**

**McClelland Consulting Engineers, Inc. Engineering Contract:** A resolution awarding an engineering contract to McClelland Consulting Engineers, Inc. in an amount not to exceed \$80,200.00 for geotechnical studies, topographic surveys, flood analysis, design, bidding, and construction services associated with five (5) trail bridges for Scull Creek Trail.

***Resolution 85-07 as Recorded in the office of the City Clerk.***

**Wilson Brothers Construction:** A resolution approving a contract with Wilson Brothers Construction in the amount of \$1,327,793.62 for improvements to the Noland Wastewater Treatment Plant Primary Pond, WSIP Subproject EP-1; and approving a 5% project contingency in the amount of \$65,000.00.

*Resolution 86-07 as Recorded in the office of the City Clerk.*

**Bid # 07-36 Glover's Truck Parts & Equipment:** A resolution awarding Bid # 07-36 to Glover's Truck Parts & Equipment for the purchase of one (1) Low Boy Semi Trailer in the amount of \$55,719.00 for use by the Transportation Division.

*Resolution 87-07 as Recorded in the office of the City Clerk.*

**Bid # 07-39 Williams Tractor:** A resolution awarding Bid # 07-39 to Williams Tractor for the purchase of two (2) Compact Track Excavators in the amount of \$99,377.00, one for use by the Water & Sewer Division and the other for use by the Transportation Division; and approving budget adjustments in the amount of \$41,627.00 and \$750.00 respectively.

*Resolution 88-07 as Recorded in the office of the City Clerk.*

**Bid # 07-40 Riggs Power Solutions, Three Backup Power Generators:** A resolution awarding Bid #07-40 to Riggs Power Solutions for the purchase of three (3) backup power generators in the amount of \$74,268.72 for WSIP Subproject EL-4, East Side Lift Station Upgrades.

*Resolution 89-07 as Recorded in the office of the City Clerk.*

**Bid # 07-40 Riggs Power Solutions, One Emergency Generator:** A resolution awarding Bid # 07-40 to Riggs Power Solutions for the purchase of one (1) additional backup power Generator in the amount of \$28,066.00 to provide power for the new fuel facility and the Fleet Operations/Transportation Building.

*Resolution 90-07 as Recorded in the office of the City Clerk.*

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

#### **UNFINISHED BUSINESS:**

**The Links at Fayetteville Appeal:** An ordinance establishing a Residential Planned Zoning District titled R-PZD 07-2452, The Links at Fayetteville, located at the northeast corner of Wedington and Ruppel Road; containing approximately 152.23 acres; amending the official zoning map of the city of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the Third Reading at the May 1, 2007 City Council meeting and Tabled to the May 15, 2007 City Council meeting.*

**Jeremy Pate, Director of Current Planning** gave a brief update on the project.

**Alderman Lucas:** Jeremy, I am concerned about access to the park. I realize the access to the park is in the north part of the development, is that going to include the access to the park and parking spaces or will we have to wait until the next phase is built before they can get to the park?

**Jeremy Pate:** The park land dedication would likely happen at the time of the first phase. This connects to Bryce Davis Park so there would be access through that particular point.

**Alderman Lucas:** But the access from the west side.

**Jeremy Pate:** I would have to ask the applicant if that connection is a part of their first phase.

**Kim Fugitt** indicated on the map where the connectivity would be.

**Alderman Lucas:** I have to ask this question because I got burned once before. The building of the roads in this it says you will do it; you also will pay for it?

**Kim Fugitt:** You're talking about Ruppel Road?

**Alderman Lucas:** I'm talking about the roads beginning at Wedington, the developer will widen the existing roadway. This is a big project.

**Kim Fugitt:** Yes, Ma'am, we are talking about the Bill of Assurance.

**Alderman Lucas:** Yes, the roads that he said he would build.

**Kim Fugitt:** Yes Ma'am, with the exception of the portion of road that is north of this property, there will be a cost share arrangement on that portion.

**Mayor Coody:** Thanks Lioneld for your work on this. I want to thank Mr. Lindsey too for his help in making Ruppel Road come together.

**City Attorney Kit Williams:** Mr. Mayor, we need to do two things before any vote is taken. In order to acknowledge the Bill of Assurance in section two of the ordinance where it says the changes in zoning classifications based upon the approved master development plan, development standards statement of commitments, we need to add right there: Bill of Assurance and conditions of approval. We need an amendment to add "Bill of Assurance" at that point in section two of the ordinance.

**Alderman Jordan moved to amend the ordinance to add a Bill of Assurance and Condition of Approval. Alderman Ferrell seconded the motion. Upon roll the motion passed unanimously.**

**City Attorney Kit Williams:** Secondly, it was mentioned that this Bill of Assurance is unusual to the extent that the City is committing to do something in it too. There are two things the City would be committing to do. In paragraph five, if right of way is needed to be acquired from another property owner then the city has agreed to acquire that because we have the power of condemnation and obviously a private landowner does not. Paragraph seven requires an equal cost share between the city and the Links for approximately \$130,000 which is the improvement

to Ruppel Road north of the Links property. We don't know exactly what that is because it hasn't been built yet. Because the Bill of Assurance does require the City to do those two things. I think we need to pass the resolution tonight presented to you that authorizes the Mayor to sign the Bill of Assurance which is also an agreement.

**Alderman Jordan moved to add a resolution to the agenda regarding the Bill of Assurance and Contract between the Links at Fayetteville and the City of Fayetteville. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.**

**Alderman Cook:** I appreciate Mr. Lindsey's staff. He has made many improvements that I have issues with other developments in town and he has made many improvements. He has gone the right direction on those improvements and I do appreciate that. I certainly appreciate the work on the traffic improvements and the changes that have been committed to over the last couple of weeks. I still have issues with the development as a whole and I do not think it meets our City Plan 2025 goals that we outlined. Some of my issues are the layout itself, the true traditional neighborhood design and more connectivity within the development. I don't think this development meets the criteria that we outlined.

He went on to discuss his concerns about the project. He stated while I don't have an issue with the density of the development, I think if we put a different development with the same density we would still have traffic issues and I think those have been addressed. He expressed his concerns about the greenspace and park land. He stated I will most likely vote against this development for those reasons.

**Alderman Allen:** Kit, I was interested in why in the last couple of meetings when we discussed the Links, there has been a great deal of discussion about the economic impact of this project whereas when the Divinity project was discussed we are actually in Court over discussing the economic impacts of that. I wondered if you could explain to me why one and not the other.

**City Attorney Kit Williams** explained the differences between this project and the Divinity project. He stated the only issue when a large scale development is presented to the Planning Commission or the City Council on appeal is whether it complies with the particular ordinances that the City Council has set forth that all large scale developments must follow. Economics is not in any of those criteria. This is a planned zoning district so this is not only like a large scale development; it is a zoning decision also. I think more was made of economic impact than should have been. When you come to zoning decisions, which the PZD is, there are some considerations of economics. When you look at a large scale development it's simply not in there. When it comes to a large scale development or ratifying a preliminary plat, my advice will remain, do not discuss economic considerations. There are many other considerations that the City Council should consider in making this decision.

**Alderman Allen:** Do you think it's a gray area?

**City Attorney Kit Williams:** I think the highest and best use of the land and some of the other language that is within the statute that talks about planning does indicate that economics to some extent can be taken into consideration as well as compatibility and uniformity of development. I think you are given much more latitude and discretion when it comes to zoning than you are if you are considering a large scale development or preliminary plat which pretty much should be, did it meet our ordinance, if it did it passes, if it didn't, it doesn't pass.

**Alderman Allen:** Then I would like to ask either Jeremy or Tim my ongoing question about infill and sprawl. Have we determined that infill is anything that is within the city limits?

**Jeremy Pate:** I think if you "google" infill you can find that in one definition, it is anything within the city Limits. I don't think that is how we presented it to you through the City Plan 2025. Infill is typically seen in most cases as a parcel of land that is either currently under developed or is proposed to be developed at a higher density or intensity than it has been in the past.

**Alderman Allen:** I think of infill as being within a mile or so radius of the core of the City. I thought the Ruskin Heights area was border line of what I would consider to be in an infill area and this is way far out there. Do you consider this infill?

**Jeremy Pate:** I don't. This is a greenfill site. Prior to development proposals on the site it was used agriculturally. It was only annexed two years ago, so it was outside the city limits even though it surrounded by the city. It was an island and it was annexed by an island annexation. So it's not being utilized by any type of urban density or intensity in the past, it was always used agriculturally with a single family home or a couple of single family homes on large acreage.

Jeremy gave examples of what is considered infill.

The way we presented it and the way Dover Kohl and staff discussed it as part of our City Plan 2025, it took on a little bit of a different meaning than either one of the other approaches.

**Alderman Allen:** I have a lot of the same concerns that Kyle listed. I do have some trouble with the density. I think that is going to create so much traffic in that area. I'm thankful about the road, we need the road and I'm delighted that is being offered. I would like to know a little bit more about this situation with affordable housing. I know that we can't ask you to put in a Bill of Assurance that those would be owner occupied for five years but I wondered if there were covenants or any kind of way to do that. You can't keep people from selling homes but I do have concerns about college students and parents who buy those that they will be used for students and they won't be used as affordable housing. I think the golf course is gorgeous but I would like there to be more green space that was really available for use in that area. I have a great deal of regard for the staff's recommendations and their hard work and opinion. I don't believe that this complies with our 2025 Plan. Even though I am appreciative of the many things that they are willing to do, it is my intent to vote against the project.

**Alderman Thiel** stated I appreciate Nancy clarifying the economic question. It does factor in. She went on to do a comparison of Wellspring and The Links project. She asked how they actually compare as far as the park land and the amount of land for public park space.

**Jeremy Pate:** I actually handed that out in a comparison sheet. I believe that Wellspring had 20 acres of dedicated park land and the other 20 acres was a large public green and tree preservation area. With this there are 17.32 acres of dedicated park land so it's just slightly underneath the other dedicated park land. There are also fewer dwelling units on this property so those ratios are a little bit different as well.

**Alderman Thiel:** There are fewer?

**Jeremy Pate:** There are fewer on Wellspring, 1,025. They were doing all park land dedication with no money in lieu. This one is 1,185 and they are doing a combination of park land dedication and some money in lieu for this particular project.

**Alderman Thiel:** I like that they have more green space because of the golf courses but then there is the issue about golf courses not being necessarily kind to the environment because of all the nutrients that are used. I have an issue with the Ward 4 alderman both supporting this project because of the benefit to the road improvements but those road improvements are going to be needed a lot more with this project. Do you feel like everyone is now positive in your Ward about this because of the improvements, the cost share and the improvements that Lindsey is going to make to Ruppel Road?

**Alderman Lucas:** I have heard a lot from the people that they think it's a good development. It's like Kyle and Nancy said, it's an apartment complex, let's face it. It's not a neighborhood but the only saving grace on this one is that it does have a public street that goes through it in three different directions. I don't like the long parking lots and the development is ahead of infrastructure. We are not going to have Mt. Comfort improved for about three years and we have a terrible intersection at Ruppel and Mt. Comfort that these people are going to be driving on. We just need another revenue stream for roads in order to build these things right when we build them. Where are people going to go when Mt. Comfort is being built and this development is in? They will be coming to Wedington Drive, that is the only place they have to come out. It's really a dilemma. She went on to express her concerns with the project. She stated I am going to support it tonight. I appreciate what Alderman Jordan has done with the Street Committee, that is a dangerous road and that is going to be a tremendous improvement even though we are not fixing that corner up and the bridge is not going to be widened. I don't like the development but we can look at it as something else could go in there.

**Alderman Jordan:** A few years ago at a Ward 4 meeting the people said if you fix anything in the Ward fix Ruppel Road. We talked about a loop all the way around the City; it went to the Street Committee. We talked about building Ruppel Road as a four lane with greenspace in the middle, with bike lanes, with six foot sidewalk and greenspace and how that would benefit the city. We simply did not have the money. I sat in a citizens group and the Mayor was there last Thursday night and the number one thing they talked about was moving the traffic and transportation needs. At first I was not going to support this development because the roads were going to be done a little at a time. In talking to Mr. Lindsey he said that he would build a four lane for  $\frac{3}{4}$  a mile with green space in the center with a six foot sidewalk and bike lane from Wedington to Mt. Comfort Road. When we get to the end of his property with a small cost share from the City we would widen that road again to 28 feet. There is about 400 feet on the south end that he said he would put a sidewalk curb and gutter road and that's not even his property. He also said he would give us access from his property across the golf course to the park. If we turn this development down tonight then I can assure you that some other development is going to go in there because that area is going to develop. Here we have a developer offering to build half of that boulevard from Mt. Comfort to Wedington with a six foot sidewalk and a bike lane which addresses alternative transportation needs as well and for that I am going to support this development.

**Alderman Gray:** I have to agree with the other alderman there are concerns. I value the opinion of our Planning staff. I appreciate the efforts that the applicant has made and the efforts they have made to meet with each one of us individually to talk about it. I do see this

development a little bit different, we are promised several different kinds of living situations. There is a lot more to this development than just apartments, it is a mixed use development there will be some commercial. I have had people from that area tell me we need that kind of mixed use development in that neighborhood. Even though we won't be able to enjoy all of the green space because part of it is a golf course, if you are in those dwellings you can look out and see that beautiful golf course. I think that adds a lot to the beauty of that development. We do have to be concerned about affordable housing and this does provide some of that. I feel that I will have to support this for the City of Fayetteville.

**Alderman Ferrell:** I appreciate the willingness of Alderman Jordan and Lindsey's people sitting down trying to work out a solution for one of the biggest objections to this which was the traffic. It seems like it worked out to where it will be a good deal to help with that traffic.

**Alderman Jordan:** I too would like to thank Mr. Lindsey, staff, administration and Shirley Lucas for all their help on this.

**Jeremy Pate:** I just want to make sure that everyone is on the same page. The actual ordinance exhibits that were passed out, the plats and booklets that we originally passed out have been amended and those are the amendments we passed out to add the other public street. I just want to make sure everyone is clear. The consideration is for the one that is stamped *Revisions submitted for City Council review May 1, 2007*. That is the plan you should be voting on. Kit, I don't know if that needs to be an amendment to the actual PZD but I just want to make sure that's the one that will be voted upon tonight. We will of course modify the booklets and plats accordingly if it is approved.

**Mayor Coody:** Kit, do we need to be specific about this map?

**City Attorney Kit Williams:** No, I think that with Jeremy's statement, obviously that is what is up before the Council to approve or not approve tonight. Mr. Lindsey's units are all here and it's up on the board. All his spokesmen are here and they realize what the situation is.

**Alderman Cook:** We're voting on the Planning Commission's appeal?

**City Attorney Kit Williams:** If you vote in favor of the ordinance then you are granting the appeal and adopting this ordinance.

**Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 6-2. Alderman Cook and Allen voting no.**

***Ordinance 5015 as Recorded in the Office of the City Clerk.***

**City Attorney Kit Williams:** Then I would ask you to also vote on the resolution.

**The following item was added to the agenda:**

**Links Bill of Assurance and Contract:** A resolution to approve the Bill of Assurance and Contract between the Links at Fayetteville and the City of Fayetteville.

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

*Resolution 91-07 as Recorded in the office of the City Clerk.*

## **PUBLIC HEARING:**

### **Mayor Coody Opened the Public Hearing**

**Farmington Annexation Public Hearing Date:** A public hearing regarding the City of Farmington's desire to annex 25.44 acres currently in the city limits of Fayetteville.

**Larry Weeks:** I would like to thank you for this opportunity for the reconsideration of this petition. I would especially like to thank you Mayor for your determination and assistance in keeping your word. I would also like to thank Alderman Ferrell, Thiel and Gray. I would like to thank Mr. Williams for his direction and advice in how we can proceed.

As you know at the meeting of September 5<sup>th</sup> there was an island annexation and we were opposed to that annexation. We were told at that meeting that if we would accept being annexed into Fayetteville that at some later date we could detach. There was no opposition offered by any member of the City Council at that time so we assumed we had an applied agreement and moved forward. As you know, six months later we were denied our petition. The reason we were given was uneven borders. We have since gone back to our neighbors and have the seven original signatures on the petition. These boundaries, I have been told, may be more acceptable.

If you look at the east side of Fayetteville the boundaries are much the same, they are uneven. I think in the beginning the Council was mislead to believe that all the residents in that area wanted to be annexed to Fayetteville, that was not the case. The people pushing for annexation were developers. They had purchased large parcels of land in that area and wanted them in Fayetteville. Most of the residents in my area preferred Farmington. We were asked by Ms. Lucas why we did not annex to Farmington sooner, we tried. Ms. Heather Dumas was the City Clerk of Farmington and was suppose to be handling that for us. At the September meeting Ms. Dumas spoke after my wife trying to get her property annexed into Fayetteville. Apparently Ms. Dumas had other fish to fry. I moved to Northwest Arkansas 20 years ago and I selected Farmington as my home town. They have stood by our side in triumph and tragedy. It is said home is where the heart is, that's Farmington for us. I spoke to Ms. Thiel after our first meeting and I asked her for her support. Her response was worth repeating, she said "I love Fayetteville and I know how I would feel if someone annexed me away from Fayetteville." I ask you to reconsider your decision of March 22<sup>nd</sup>.

**Mayor Coody:** Thank you Mr. Weeks. The date is set for the next meeting to vote on this is that right?

**City Attorney Kit Williams** read the State Statute. He stated you are not required to bring another ordinance forward but you may do it at the next meeting.

**Alderman Thiel:** You can't do it at this one?

**City Attorney Kit Williams:** You cannot do it at this meeting.

**Alderman Allen:** Will this be brought forward by one of the descending votes?

**City Attorney Kit Williams:** This is a new proposal, since the first proposal had five property owners only, now this has seven of the eight property owners and it is a new ordinance passed by Farmington. So this is an entirely new proposal so it is not like a reconsideration even though he said that.

**Alderman Cook:** Will staff make any comment on that or are they going to stay quiet on this one?

**Tim Conklin:** I agree with the City Attorney's comments, it is a new petition or ordinance that the City of Farmington passed on April 9<sup>th</sup>; it includes seven of the eight property owners so it does include a larger number. The original one, you voted on included only five; it excludes Mr. Rankin's property. Tim pointed out on the map which property was left out. He stated it is a policy decision for the Council to make at the next meeting.

**Mayor Coody Closed the Public Hearing**

#### **NEW BUSINESS:**

**Fayetteville Economic Development Corridor Project:** A resolution to approve the three recommended options for transportation improvements in the Fayetteville Expressway Economic Development Corridor Project.

**Mayor Coody:** This has been a long time coming. After many trips to Washington, it paid off. Hiring Mr. Van Scoyok really paid off to get a \$13 million Federal appropriation specifically for transportation improvement around our economic development area. Steadily we move forward.

**Ron Petrie, City Engineer:** Our next step, once we have your approval, is to get final agreements with the Highway Department. These agreements pertain to the federal funds, once we have those agreements we can have the engineering design contracts to you to actually begin the design.

**Mayor Coody:** Will we see the presentations tonight?

**Ron Petrie:** Not tonight. The presentation was done at Agenda Session.

**Alderman Thiel:** And at Street Committee.

**Alderman Allen:** How long before we might actually be driving on one of these roads.

**Ron Petrie:** Once we actually know which options we will have, I promise you we will have schedules like we have on the other projects. I don't know the answer to that today. We have been told by the consultants, let's shoot for two years. It could be three.

**Alderman Ferrell** thanked the staff for getting this far. He stated we are headed in the right direction and it deserves a tip of the hat.

**Mayor Coody:** I want to give a tip of the hat to our congressional delegation Senators Prior and Lincoln and especially Congressman Boozman. All of them were instrumental on this and we owe them a debt of gratitude.

**Alderman Ferrell** moved to approve the resolution. **Alderman Thiel** seconded the motion. Upon roll call the resolution passed unanimously.

*Resolution 92-07 as Recorded in the office of the City Clerk.*

**RZN 07-2520 (Karas):** An ordinance rezoning that property described in rezoning petition RZN 07-2520, for approximately 1.50 acres, located at 4041 West Wedington Drive from R-A, Residential Agricultural to R-O, Residential Office.

*City Attorney Kit Williams read the ordinance.*

**Jeremy Pate** gave a brief description of the item. He stated this is for an R-O zoning which is a less intense use than the original request. Staff recommended approval of this rezoning and the Planning Commission also agreed 9-0.

**Alderman Lucas:** This is in the new section of Wedington that is not five lanes, it's going to be four with some turn lanes, is that correct?

**Ron Petrie:** Yes, a majority of it is four lanes with five lanes and signals at the major intersections.

**Alderman Lucas:** Do you know if there is going to be a turn lane at this section?

**Ron Petrie:** This will be in the four lane section.

**Alderman Cook:** I remember the C-1 zoning that we discussed previously and I had an issue with that. This zoning is much more palatable and any of the uses that I might be scared of are all under conditional uses and that will require more public process so I like this zoning much better.

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

*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 unanimously.

*City Attorney Kit Williams read the ordinance.*

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

***Ordinance 5016 as Recorded in the Office of the City Clerk.***

**Alderman Lucas introduced Dr. Rob Karas to the City Council.**

**Dr. Rob Karas:** I just moved here about seven months ago from Indiana. I have a house off of Wedington by the college and I would like to put my family practice/walk-in clinic there. I have talked with an optometrist a dentist and a pharmacy. I have talked with the local pharmacy here and they are interested in having five lanes so that people can get out when they want to go against the traffic.

**Alderman Ferrell:** Welcome.

**VAC 07-2519 (Milver Investments):** An ordinance approving VAC 07-2519 submitted by Milver Investments, LLC for property located at 500 West Prairie Street, vacating an un-constructed right-of-way along the west side of West Avenue and un-constructed right-of-way bisecting the subject property.

***City Attorney Kit Williams read the ordinance.***

**Jeremy Pate** gave a brief description of the item. He stated staff is recommending approval and the Planning Commission voted 9-0.

**Alderman Thiel:** I haven't heard anything negative about this from anyone. I am really excited about this project. I don't see why we shouldn't go through three readings in one night.

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

***City Attorney Kit Williams read the ordinance.***

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

***City Attorney Kit Williams read the ordinance.***

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

***Ordinance 5017 as Recorded in the Office of the City Clerk.***

**VAC 07-2573 (Chestnut I Apartments):** An ordinance approving VAC 07-2573 submitted for property located at Chestnut I Apartments at Chestnut Avenue and Poplar Street, vacating a 4,676 square foot multi-use trail easement and replacing it with a realigned 2,558 square foot multi-use trail easement as described and depicted herein.

***City Attorney Kit Williams read the ordinance.***

**Alderman Cook:** This is a good change. This piece of trail from Poplar going back north is progressing rapidly and we are currently building a section along the University Farm. As soon as the Highway Department finishes Gregg Street we are going to get under Gregg Street. There is much progress to be made on Skull Creek through there. I think we have all the easements we need to get onto Sycamore also, so Matt Mihalevich has done a great job. I appreciate City Council's support on the trails system up to this point and before long you are going to see a nice long stretch of Skull Creek connecting Mud Creek.

**Mayor Coody:** Our goal is to be up and running by the end of this year. It will be hard to make that goal because the Highway Department is going to slow us down. If you have been down Gregg Street and you have seen what the Highway Department is doing on Gregg, that is a phenomenal job. They are bringing that street up about six feet.

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

***City Attorney Kit Williams read the ordinance.***

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

***City Attorney Kit Williams read the ordinance.***

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

***Ordinance 5018 as Recorded in the Office of the City Clerk.***

**Amend Chapter 173 and 155, Public Nuisance:** An ordinance to amend Chapter 173 and Chapter 155 of the Unified Development Code to regulate unfinished houses as property nuisances and allow an appeal to the City Council.

***City Attorney Kit Williams read the ordinance.***

**Yolanda Fields, Community Resources Director:** I think this will solve a lot of the issues we have had with unfinished projects and staff recommends approval.

**Alderman Thiel:** The Ordinance Review Committee reviewed this and made one change. We recommend it to the full Council.

**Alderman Allen:** We are very pleased and thank you for your work on this Yolanda. I think the few people that play the system, I think this will help and I appreciate your work.

**Yolanda Fields:** I have already received calls and we have a lot of happy people out there.

**Alderman Ferrell:** I just want to say I appreciate the fact that at the very end, in case there is an exception, that there is an appeal process to the Council.

**Alderman Thiel:** That is the change that we made.

**Alderman Ferrell:** That is good. Thank you.

**Alderman Thiel 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.*

**Alderman Cook:** I know it has a substantial progress defined. Is this really going to be complaint driven or are we actually going to track the progress of building permits?

**Yolanda Fields:** The timelines that have been established will be monitored by our Building Safety Office so they will be keeping track of the progress of the project.

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

*City Attorney Kit Williams read the ordinance.*

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

*Ordinance 5019 as Recorded in the Office of the City Clerk.*

**Nock-Broyles Land Development, LLC:** An ordinance waiving the requirements of formal competitive bidding; approving a cost-share agreement with Nock-Broyles Land Development, LLC in the amount of \$50,000.00 for the relocation of Weir Road at the intersection with Salem Road; and approving a budget adjustment in the amount of \$13,100.00.

*City Attorney Kit Williams read the ordinance.*

**Alderman Jordan:** The petitioners are not here. I don't know if I want to vote on it without them being here tonight.

**Alderman Thiel:** That's fine with me. I have a question.

**Ron Petrie:** Technically City staff is the one making the request on the cost share. Obviously Nock Broyles are heavily involved in this cost share because there are four additional items added to our standard cost share agreement and those are shown on page 14. One is that they will provide 5% of the neighborhood six units as attainable housing with a price no greater than \$120,000. Next, construct the attainable housing with similar building materials as the other homes and distribute the attainable housing throughout the development. Lastly provide deed restrictions that require the attainable housing to be owner occupied. Those are the items that have also been added to this agreement.

**Alderman Thiel:** This is the only way we are going to provide attainable housing by providing incentives and cost shares. It does say that part of the budget is coming from the King's Drive project because that has been completely funded and I just want to make sure that is funded.

**Ron Petrie:** I think you could say they are making very good progress. They are finishing the curb and gutter and are about to do the final paving. We will not be asking for additional funds other than what was approved through the contingencies and we had approximately \$96,000 left in that project that was not obligated.

**Alderman Thiel:** Okay, I just want to make sure that King's Drive gets done.

**Alderman Jordan:** It did go through the Street Committee and there were several Aldermen there that night.

**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.*

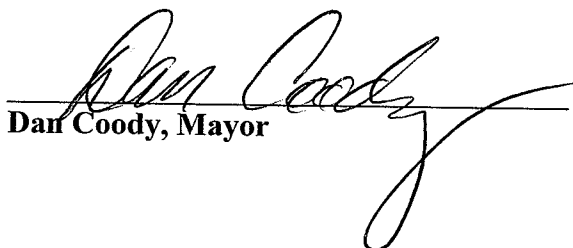
**Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.**

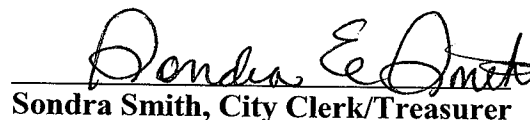
*City Attorney Kit Williams read the ordinance.*

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

*Ordinance 5020 as Recorded in the Office of the City Clerk.*

**Meeting adjourned at 7:25 PM**

  
Dan Coody, Mayor

  
Sondra Smith, City Clerk/Treasurer

The first part of the report deals with the general situation of the country and the progress of the work during the year.

The second part of the report deals with the results of the work during the year and the progress of the work during the year.

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