

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 06, 2008**

A meeting of the Fayetteville City Council was held on May 06, 2008 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's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

Confirmation of the Advertising and Promotion Commission appointment.

Alderman Cook moved to approve the appointment of Tim Freeman to the Advertising and Promotion Commission. Alderman Allen seconded the motion. Upon roll call the motion passed unanimously.

Quarterly Report of Financial Condition of the City.

The Quarterly Financial Condition of the City was presented in open session.

Paul Becker, Finance Director gave a brief update on the Financial Report.

Agenda Additions: None

Consent:

Approval of the April 15, 2008 City Council meeting minutes.

Approved

2008 Community Development Block Grant: A resolution approving a budget adjustment in the amount of \$20,047.00 to reflect a like reduction in the 2008 Community Development Block Grant Revenues.

Resolution 88-08 as Recorded in the office of the City Clerk.

Farmington Cost-Share Agreement - Farmington Lift Station: A resolution to approve a cost share agreement with Farmington in which Fayetteville pays \$482,078.52 (with credit to be given for some equipment), Farmington pays \$1,215,802.48, and Fayetteville authorizes a \$30,000.00 contingency for the Farmington Lift Station.

Resolution 89-08 as Recorded in the office of the City Clerk.

Oscar Renda Change Order # 3: A resolution approving Change Order # 3 to the contract with Oscar Renda Contracting, Inc. in the amount of \$115,749.41 for construction of the gravity sewer lines from Gregg Avenue to the Hamestring Lift Station, WSIP Subproject WL-4.

Resolution 90-08 as Recorded in the office of the City Clerk.

Black & Veatch Corporation Amendment No. 2: A resolution approving Amendment No. 2 to the agreement for professional engineering services with Black & Veatch Corporation in the amount of \$36,000.00 for construction phase services of Fayetteville Existing 36-Inch Water Transmission Line – Rehabilitation Study.

Resolution 91-08 as Recorded in the office of the City Clerk.

TIF District Interest Income: A resolution to approve a budget adjustment in the amount of \$20,119.00 to recognize interest income from the TIF Project Fund and allocate it to sidewalk improvements in the TIF District.

Resolution 92-08 as Recorded in the office of the City Clerk.

Anaconda Sports: A resolution to award a bid to Anaconda Sports in the amount of \$22,043.00 with a contingency of \$3,000.00.

Resolution 93-08 as Recorded in the office of the City Clerk.

Arkansas Department of Aeronautics Grant: A resolution to approve an application for Federal Assistance and an Arkansas Department of Aeronautics matching grant to help fund Task Order # 3 in the amount of \$128,337.00 of the total task order cost of \$158,700.00 and to accept the grants when awarded.

Resolution 94-08 as Recorded in the office of the City Clerk.

Arkansas Recreational Trails Grant: A resolution approving an Agreement of Understanding with the Arkansas Highway and Transportation Department for the acceptance of an Arkansas Recreational Trails Grant to utilize \$33,600.00 in federal-aid funds to replace the Mud Creek Trail Bridge near Front Street; and approving a budget adjustment in the amount of \$69,320.00.

Resolution 95-08 as Recorded in the office of the City Clerk.

Thompson Culvert Company: A resolution approving the purchase under Bid # 08-15 of one (1) prefabricated weathering steel pedestrian bridge for Mud Creek Trail from Thompson Culvert Company in the amount of \$44,320.00 plus \$4,099.60 in sales tax.

Resolution 96-08 as Recorded in the office of the City Clerk.

Kinco Contractors, LLC Change Order # 1: A resolution approving Change Order # 1 to the contract with Kinco Contractors, LLC in the amount of \$37,000.00 for the installation of one (1) trail bridge for Mud Creek Trail; and approving a 15% project contingency in the amount of \$5,550.00.

Resolution 97-08 as Recorded in the office of the City Clerk.

Arkansas Historic Preservation Program Grant: A resolution approving an amendment to the 2007-2008 Certified Local Government Grant to increase the amount by \$300.00 to fund travel and training for the Fayetteville Historic District Commission; and approving a budget adjustment recognizing the increased grant revenue.

Resolution 98-08 as Recorded in the office of the City Clerk.

PetSmart Grant: A resolution authorizing the Fayetteville Animal Services Division to accept a grant from PetSmart Charities in the amount of \$10,000.00 to cover costs associated with pre-adoption spay/neuter surgeries; and approving a budget adjustment to recognize the grant revenue.

Resolution 99-08 as Recorded in the office of the City Clerk.

BNSF Railway Co.: A resolution approving the purchase of approximately 6 acres of real property from BNSF Railway Co. in the amount of \$73,180.00 plus associated closing costs for the Scull Creek Trail.

Resolution 100-08 as Recorded in the office of the City Clerk.

Gordon Backhoe and Dozer Service Inc.: A resolution to approve a bid contract with Gordon Backhoe and Dozer Service, Inc. in the amount of \$17,068.00 with a contingency of \$2,000.00 and to approve a budget adjustment in the amount of \$19,068.00.

Resolution 101-08 as Recorded in the office of the City Clerk.

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

Unfinished Business:

Hiring Freeze: Hiring Freeze Appeals:

Information Technology - One Database Administrator Position

Paul Becker gave a summary of the Database Administrator Position.

Alderman Gray moved to approve the Database Administrator position. Alderman Allen seconded the motion. Upon roll call the motion passed unanimously.

Police Department – One Dispatcher Position

Greg Tabor, Police Chief: This is to replace a person that was previously hired but did not work out.

Alderman Rhoads moved to approve the Dispatcher position. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

Resolution 102-08 as Recorded in the office of the City Clerk.

RZN 08-2937 (Mountain Ranch Ph. III): An ordinance rezoning that property described in rezoning petition RZN 08-2937, for approximately 26.9 acres, located south of Mountain Ranch Phase I and Persimmon Street, east of the future extension of Ruppel Road, from RSF-4, Residential Single-Family, 4 units per acre to RSF-8, Residential Single-Family, 8 units per acre. *This ordinance was left on the Second Reading at the April 15, 2008 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 unanimously.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5133 as Recorded in the office of the City Clerk

C-PZD 08-2894 (Park Centre): An ordinance establishing a Commercial Planned Zoning District titled C-PZD 08-2894 Park Centre, located at the northeast corner of Zion Road/Veterans Park Entry Drive, containing approximately 8.58 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 and then Tabled at the April 15, 2008 City Council meeting.***

Jeremy Pate, Director of Current Planning gave a brief update on the project. Staff met with the applicant and they have provided a detailed cost estimate of the difference between a public street and private street. They indicate the difference is roughly \$50,163. Our recommendation has not changed.

A discussion followed on the proposed traffic signal at this location.

Roger Boskus, Managing Partner Zion Road Properties: Even though there is a cost difference associated with this, the issue about the traffic signal I think is really important and something I would like you to consider. I am concerned that the signal will not happen at a later date. If we are being assessed for the signal there should be some guarantee that we will be given a signal.

Alderman Ferrell: Safety is your main concern upon completion of this project. Financially you are satisfied with the way it has been proposed with the exception that upon completion you would like to have signalization at the Zion and Vantage intersection.

Roger Boskus: That's correct.

A discussion followed on the proposed traffic signal at this location.

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

Ordinance 5134 as Recorded in the office of the City Clerk

New Business:

Fayetteville Municipal Property Owners' Improvement District No. 28 - Legacy Heights, Phases 2 and 3 Subdivision Infrastructure Project: An ordinance to establish and lay off Fayetteville Municipal Property Owners' Improvement District No. 28 Legacy Heights, Phases 2 and 3 Subdivision Infrastructure Project.

City Attorney Kit Williams read the ordinance.

Don Conner, a citizen asked for an explanation of the improvement district.

Jim McCord, attorney for the improvement district explained the process.

Alderman Thiel moved to suspend the rules and go to the second reading. **Alderman Gray** 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 Ferrell** 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 5135 as Recorded in the office of the City Clerk

Fayetteville Municipal Property Owners' Improvement District No. 29 - Ruskin Heights Subdivision Infrastructure Project: An ordinance to establish and lay off Fayetteville Municipal Property Owners' Improvement District No. 29 - Ruskin Heights Subdivision Infrastructure Project.

City Attorney Kit Williams read the ordinance.

Alderman Ferrell 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 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 unanimously.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5136 as Recorded in the office of the City Clerk

Northwest Arkansas Naturals – City of Springdale Congratulations: A resolution to congratulate the City of Springdale for building the Arvest Ballpark and acquiring the Northwest Arkansas Naturals.

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

Resolution 103-08 as Recorded in the office of the City Clerk

RZN 07-2708 (Fire Stations): An ordinance amending Ordinance Number 5074 to attach the correct Hansen Number to the exhibits of said ordinance.

City Attorney Kit Williams read the ordinance.

Jeremy Pate: This is an ordinance to correct a clerical error by my office. This is to correct the Hanson number that was assigned to the ordinance.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 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 5137 as Recorded in the office of the City Clerk

RZN 08-2934 (Newell/Morton): An ordinance rezoning a portion of property described in rezoning petition RZN 08-2934, for approximately 0.37 acres, located at 1141 Hendrix from RSF-4, Residential Single Family, 4 units per acre, to RSF-8, Residential Single Family, 8 units per acre.

City Attorney Kit Williams read the ordinance.

Jeremy Pate: Staff and the Planning Commission recommend in favor of this rezoning request. The Planning Commission vote was 7-0. Jeremy gave a brief description of the proposed project.

Joyce Richards: We are afraid this might set a precedent. I would ask that you keep it at RSF-4.

Jake Newell, owner: The house is beyond a complete remodel. Our goal is to provide quality infill. We would like to build two attainable single family houses in that neighborhood and make that street nicer.

Alderman Thiel: Two family dwellings are only by conditional use in this zoning. They can not build a duplex. It has to be single family residential.

Jeremy Pate: The uses are the same for RSF-4 or RSF-8.

Alderman Thiel: This just basically enables them to build on a slightly smaller lot.

Jeremy Pate: That is correct.

Alderman Thiel: There are several adjacent lots that are 50 feet wide to this parcel that are already built out.

Alderman Allen: We had a ward meeting and ironed out some concerns of the neighborhood.

This ordinance was left on the First Reading.

R-PZD 08-2915 (Hill Place): An ordinance establishing a Residential Planned Zoning District titled R-PZD 08-2915, Hill Place, located at the southwest corner of 6th Street and Hill Avenue; containing approximately 27.10 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 project. Jeremy asked the Council to amend the PZD to add Condition of Approval #37.

Alderman Thiel moved to amend the ordinance to add Condition of Approval #37. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

Ryan Griffith, Developer with Place Properties gave a presentation about the project.

We have had a couple of meetings with the neighbors and have heard their concerns. We have tried to incorporate their concerns as much as possible into our design of this. I think a lot of the concerns are the drainage and grading. By you approving this and the development going forward it will take care of a lot of the problems that are down stream and the current eyesore of the site.

Todd Jacobs, Director of Design for Appian Centre for Design gave a PowerPoint presentation on the proposed project.

I think we have done about as much as we can to address the neighborhood concerns. The City Council and the neighborhood have to take a leap of faith if we want anything to get done on this project.

Alderman Thiel: Adella and I made a commitment to the neighborhood that we would have another neighborhood meeting regarding this.

Alderman Allen: Would some of the neighbors be willing to talk to us about the environmental impact and if the developers have done sufficient things to way lay their concerns?

Aubrey Shepherd, Town Branch Neighborhood: We appreciate all of you that came out to see this. It worries some people that the on site managers could disappear depending on problems the company might have. We know this is a good management company and we know these are good designers. There is the question of water and erosion from Rochier Heights. I believe if approved the completion of storm water should be the first thing done. Rain gardens will have to be constructed on this site.

This ordinance was left on the First Reading.

VAC 08-2951 (Shoppes at Wedington): An ordinance approving VAC 08-2951 submitted by McClelland Consulting Engineers for property located west of the intersection of Wedington Drive and Salem Road, to vacate a utility easement on the subject property, a total of 5,997 square feet.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief summary of the project. Staff and the Planning Commission recommended in favor of the proposed vacation.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5138 as Recorded in the office of the City Clerk

Amend Chapter 97 Parks and Recreation: An ordinance to amend §97.070 of the Fayetteville Code to provide exemption of fees for use of Lake Fayetteville, Lake Wilson and Lake Sequoyah for juveniles within an approved government rehabilitation program.

City Attorney Kit Williams read the ordinance.

Connie Edmonston, Parks & Recreation Director: The Parks Board approved this. We believe that waiving the fees for these children and getting them hooked on a healthy alternative recreational activity such as fishing and kayaking will be very beneficial for them. It would almost be impossible for this organization to provide this service without us waiving the fees.

Jeff Courtway, Washington County Juvenile Detention Center: We have monthly meetings with the kids that are installed in our program. We will have supervisors at the lake to assist the kids. This gives the kids the opportunity to learn skills while under supervision.

Mayor Coody: We appreciate your involvement in this. The program is outstanding. This is a public service for our kids that are at risk and that need our attention. I think this is something that would be a good partnership for us and everyone involved.

Aubrey Shepherd: I whole heartily want you to agree to this. It is a wonderful idea.

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 Thiel seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Ferrell: I support this.

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

Ordinance 5139 as Recorded in the office of the City Clerk

Repeal and Replace §158.03 Maintenance: An ordinance to repeal §158.03 Maintenance of the Unified Development Code and to enact a replacement §158.03 Maintenance.

City Attorney Kit Williams read the ordinance.

Ron Petrie, City Engineer briefed the Council on what this change entails.

Mayor Coody: This is a good development for the building community and the citizens of Fayetteville.

Alderman Thiel: The Ordinance Review Committee reviewed this and supported it.

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 during the vote.

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 during the vote.

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 during the vote.

Ordinance 5140 as Recorded in the office of the City Clerk

Repeal and Replace Chapter 168: Flood Damage Prevention Code: An ordinance repealing and replacing Chapter 168: Flood Damage Prevention Code of the Unified Development Code, Fayetteville Code of Ordinances.

City Attorney Kit Williams read the ordinance.

Ron Petrie: We were notified by FEMA that they had a revised model ordinance that we need to adopt. Many of the changes have to do with restrictions of mobile home parks and RV's. This is an ordinance that is applied state wide.

Alderman Jordan moved to suspend the rules and go to the second reading. **Alderman Allen** 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 Allen 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.

Alderman Jordan moved to approve an Emergency Clause. Alderman Thiel seconded the motion. Upon roll call the Emergency Clause passed unanimously.

Ordinance 5141 as Recorded in the office of the City Clerk

Downtown Off-Street Parking Improvement District: An ordinance to codify Ordinance No. 2292 of December 7, 1976, with amendments proposed by The Board of the Downtown Off-Street Parking Improvement District.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: The new Exhibit A has been modified to make it clear that the City Council appoints the commissioners.

John Burrows: My board members have discussed this for several years. They feel very strongly about this and would appreciate it if you would do this for us.

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 5142 as Recorded in the office of the City Clerk

Pratt Place Inn Appeal: An ordinance amending a Commercial Planned Zoning District entitled C-PZD 05-1670, Pratt Place Inn, located at 2115 W. Markham Road, containing approximately 72.00 acres, to allow a monument sign in Planning Area 2 in-lieu of a sign in Planning Area 3, as described herein.

City Attorney Kit Williams read the ordinance.

Jeremy Pate briefly described the appeal. Staff is recommending approval.

Alderman Jordan: They are just moving the sign across the street.

Jeremy Pate: Yes.

Alderman Lucas moved to suspend the rules and go to the second reading. **Alderman Jordan** 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.

Alderman Jordan asked Felicia Farris if she had talked to the neighborhood.

Felicia Farris: We have talked about it. We don't think it indicates how to direct people to the bed and breakfast. We think people are still going to get lost getting there and there is no lighting on the sign. I wanted to make sure there was nothing added to the paperwork.

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

Ordinance 5143 as Recorded in the office of the City Clerk

Bridgedale Plaza Appeal: An ordinance establishing a Commercial Planned Zoning District titled C-PZD 08-2904 Bridgedale Plaza, located at the southeast corner of Highway 16 East and River Meadows Drive, containing approximately 15.95 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 proposed project. Planning Commission had a split vote of 5-4. In general staff found in favor of the development pattern that was proposed. Staff did not find in favor of the PA-2, the self storage area, in this particular neighborhood. I would like to commend the applicant for working very hard with staff on several of the issues and the planning areas. While low impact development techniques certainly help mitigate some of the impervious surfaces and impact associated with development, particularly drainage, it really doesn't help the form of the development and the form of the neighborhood. It does not address the overall land use patterns. It was brought up that there could be a conditional use but the

PZD really takes the place of that. It is a zoning decision that you as a Council makes. We have included the conditions of approval for your consideration should you wish to pass this ordinance along with any other conditions that you may feel appropriate. We have discussed with the applicant some street improvements that might need to occur based on the development proposal if it does come forward. We tried to address as many things as we could that came up from neighborhood concerns. There was a lot of public comment both for and against this project. Staff recommended denial finding it did not meet the guiding policies of the adopted future land use plan.

Alderman Thiel asked about the building height and if the condition of approval needed to be amended to 18 feet.

Jeremy Pate: Yes.

Alderman Thiel: Was that the only thing you felt like we needed to amend?

Jeremy Pate: I believe so.

Alderman Thiel: We received a letter regarding the drainage and that the developers would eliminate the drainage problem that some of the neighbors on the east side of this project have. Does this need to be added as a condition of approval or will a letter guarantee us that this will be done?

Dave Jorgenson, engineer for the project: This is the first time I have had to appeal something to the City Council. We have gone to great lengths to try our best to make concessions and compromises to make a better project.

Mr. Jorgenson gave a brief description of the project and the changes that have been made to the project over the past few months.

Sarah Lewis, Springline Consulting Group: We work with the community as well as developers to help them implement low impact development technology. She shared with the Council what low impact development is. LID (Low Impact Development) is different than LEED. It is a way to match your post and pre development hydrology. The way it functions is infiltration and the frequency of volume and discharge is maintained for the natural stream systems. LID helps developers and the community save on infrastructure, site, and preparation cost. Bridgedale is incorporating LID in addition to incorporating the conventional storm water design. The infrastructure and site preparation cost are reduced when the conventional designs can be reduced. LID helps with compliance of the clean water act and the storm water management act. It benefits the developer, contractors, municipalities and the environment. LID gives options; it also minimizes impervious cover and promotes conservation in natural areas. It promotes sustainable communities.

Dave Jorgenson explained the drainage problem on the property. We have done a drainage study and we intend to drain this property and will add that to the conditions of approval if you want. It will be more costly to the developer. This is a rezoning; we have to submit a

preliminary plat and final plans on planning area one. We have to install the infrastructure for planning area one and a large scale development approval process for planning areas two, three and four. In addition we have promised to construct planning area one and build houses east of street number three to help block the view of the storage area. We have to do this before we start construction of the storage area.

Mayor Coody: The 18 foot limit that the City Council is considering is that the height of the wall and the storage units?

Dave Jorgenson: Maximum height.

Alderman Thiel: Where is it in the conditions of approval that they will have to build the residential first?

Jeremy Pate: That is not specifically called out.

Alderman Thiel: That is a concern of the neighborhood so we need to make that amendment too.

Jeff Collins: I think if there is any impact of the mini storage in terms of affect on property values it will be absorbed by the lots that are adjacent to it. The City of Fayetteville has been very forward looking in a lot of ways. I am not sure that we always think about the impact of the increase in petroleum prices and the effects of global warming on long term development. The long term projecturery for development is for density. As we look forward to what Fayetteville is like 20 to 30 years from now we will be looking at more density and the proximity of mini storage is not necessarily a bad thing. Mini storage is not an industrial use.

Lauren Ruff, 1125 South St Andrews Circle, Stonebridge Meadows Subdivision stated this is not about going green. There are other issues here and green is merely covering them up. The issues here deal with our property rights and the safety and welfare of the citizens of Washington County and the City of Fayetteville.

Ms. Ruff voiced her concern about drug activity that occurs at mini storage units and the drug activity in Washington County. She stated one of the ideal places for drug transportation and drug manufacture is mini storage, especially climate controlled mini storage. She asked what Bridgedale Plaza is going to do about the possible drug activity that could occur at the mini storage facility associated with this project. This is a very real problem and concern for the citizens of Fayetteville.

Dennis Blackwell, Stonebridge Meadows: I strongly oppose the project. I think it can do nothing but negatively impact property values. I feel that commercial development does not have any place in a residential and rural area. This will make the traffic worse.

Jim Luper, 1340 St Andrews Circle: Stonebridge is a neighborhood built around a golf course. It is a really nice place to live. We gathered a petition from 146 homes. We have mini storage units close to our development. We moved out here to escape the sprawl. Keep this residential.

Jimmy Smyth, McClelland, Smyth, LLC: I own six homes in Bridgedale Phase 1. I have been trying to sell them for two years. One of the hurdles I face in marketing these homes is the fact that there are not any amenities out there. I don't think about the drug use in storage facilities. I see the benefit in storage facilities as a home owner and consumer. I feel the development, as it is proposed right now with light commercial at the entrance of it, is very well planned. I see some traffic benefits from this development. I feel this type of development would add a feel of a community.

Joel Ray, Cherry Hill Drive: We are talking about a storage facility that is commercial and it needs to stay in commercial property and not in residential. Not one storage facility in the area is in a neighborhood.

Dick Hovey, 1262 River Meadows: I oppose this development. From what I hear there is a consensus that mini storage has a negative influence. None of us really know what goes on inside those units.

James Atwood: I would recommend to the Council to consider approving the development. It makes good economic sense. The developer has gone to great pains to try and minimize the environmental impact that this development would have. This is an opportunity for the City Council to clarify its policy as to how personal storage units are going to be treated in the future. I think this would be an opportunity for the Council to work with a developer who is committed to the prospect and concept of responsible development to have a responsible development and economically viable.

Glenda Patterson, 1106 St. Andrews Circle: I am opposed to this development. We have heard a lot about what the potential downside is from this development. The biggest argument against is it is a commercial enterprise in a totally residential area. People help build a community not stores. I think the people of Stonebridge Meadows have shown that they do not want this. In a housing down turn why are we building more houses that have the potential to not be sold at some point in time.

Greg Eisele, Stonebridge Meadows: I am concerned that if the PZD is passed even though they put the amendments in to phase in the residential before the commercial there is no way to hold them accountable for that. Once the PZD is passed the commercial storage could be built and none of those homes as buffers would go in there.

Mayor Coody: A PZD is a planned zoning district it has to go in as stipulated or it could be shut down.

Greg Eiley: I don't feel this zoning is compatible with surrounding land uses.

Anthony Sumlin 3851 River Bluff Cove: I stand in opposition to this measure, mainly because of the self storage units. Economic times are not the greatest and I don't see that self storage units are going to bring Fayetteville back to its past prominence. I don't think self storage units

are in the best interest of the long term future of Fayetteville. This does not contribute to the neighborhood fabric in close proximity to the area.

Mayor Coody: I would disagree with the idea that Fayetteville is in decline. We have made national news for planning and sustainability. People are moving here all the time because of our high quality of life. We have a two year inventory of homes versus towns to the north that have an 11 year inventory of homes. We don't have the world's largest corporation in town, we have local stores. Some of us think that Fayetteville is holding its own in ways that other cities in Arkansas only wish they could.

Anthony Sumlin: I appreciate your rebuttal. I appreciate the work that the Planning Commission and you have done.

Marty Powers, 1280 South Pinnacle: I ask you to put yourself in my position, if you had spent \$400,000 on a piece of property if you would appreciate a storage unit being built in your back yard. Storage units are not pretty, there is no way of making them pretty and they are not going to help our property value. I oppose the storage units.

Mark Willhite, 1048 River Meadows: I do not want to lose a lot of value in my home and I am afraid I will with this proposed project. I am concerned about the mini storage. There is water every where in that area, it stays saturated, there is no where to go with the water. The more hard surface that is going to run off the water it is going to make that worse in that area.

Gary Alderson: I am here in support of the project. I believe the property values will increase not decrease. The storage facility is a storage facility but the fact that the commercial in and around that area is in desperate need I think that area could use commercial business. As a realtor I talk to a lot of folks that like that area and want to live in that area but the first thing they say is where is the nearest spot to go to get groceries, etc.

Sue Hovey, 1262 South River Meadows: I talked to a realtor that knows the area very well and he said it would make a negative effect on our property values.

Eldon Roberts, 1197 South Roberts Road: The personal storage will be in my yard more so than anybody. We are for this project. Personal storage does not create loud music, loud parties, barking dogs and traffic zipping through the neighborhood at all hours. There is a traffic problem on Huntsville Road but it is mainly at rush hour just like it is in all parts of the City. If this commercial and personal storage is not allowed to go forward then eventually I see this acreage being built full of residences. I don't think it is fair to keep people from having amenities and services that they use every day out in our area because of the traffic problem. I am for anything we can do and this Council can allow that will start amenities out that way. I can't see this adding to the traffic. I asked about the drug activity at personal storage units and was told it would be lower than personal residences. One thing that concerns me is the drainage and flooding problem we have in that area. The developer said he would try his best to handle the drainage.

Alderman Allen: You said you owned property in that area; do you live on that property?

Eldon Roberts: Absolutely.

Jake McCullar: I like Fayetteville. I like this idea. I walked all over that area and there were several people in favor of this project. I would not consider these houses to be low income. I support mixed use development like this.

Janyce Blakenship, 1757 River Meadows Drive: I am opposed to the Bridgedale Subdivision. I am against the storage and sharing our drive with commercial. I beg you to oppose this.

Bruce Smith, 2059 Cherry Hills Drive: You have to make a decision on if you want to rezone this. In order to make a decision to rezone it really needs to be for the betterment of the community. If it is not for the betterment you should leave it the way it is. The storage unit is the problem. Most of the people that have spoken in favor of this are not residents here as far as I can tell. I don't think it is going to better the community to put a storage unit this close to residential.

Katrina StColumbia: I am in favor of this project. I believe it will bring amenities and conveniences to this area that is greatly needed. This will help increase the tax revenue for the City. It is a very eco friendly project with extremely impactful environmental sustainability initiatives. It is very much in line with the Fayetteville City Plan to minimize environmental impact. I believe the City should support this project. I think it will encourage other developers and future projects and hopefully challenge the developers to be more environmentally friendly with their developments in the future.

Mayor Coody: I bet you will find everybody in favor of the low impact development green elements put in this project. It sounds like ninety percent of the opposition is focused on the storage buildings, if that could be resolved it would be great.

Alderman Thiel: This is not going to be an easy decision. This is a divided issue. Staff has acknowledged that this project is appropriate for this neighborhood except for the storage units. I appreciate the people that live around this area that are in opposition to the storage units but they are all buffered by residential. There have been a lot of concessions made on this project. From the correspondence that I received there is a desire to have storage units.

Ron Petrie, City Engineer went over the drainage requirements for the property.

Dave Jorgenson stated they can design adequate drainage for the property.

Jeremy Pate: The following conditions of approval could be added:

- Building height within PA-2 self storage shall be reduced to 18 feet to achieve the lowest height possible.
- All homes located on the western boundary of Planning Area 2 shown on the plat as Lots 18 through 27 shall be constructed prior to the issuance of a building permit for any self storage building.

- A proper drainage system shall be extended to the low area located to the west of Roberts Road to adequately drain this area for a storm event equal to a 100 year rain fall event. This drainage system shall be designed and reviewed at the time of preliminary plat submittal and be found to meet all City drainage criteria by the Engineering Division.

Alderman Thiel moved to amend the ordinance to include the three new conditions of approval. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

Alderman Ferrell 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: We have talked a lot about this and talked to the developers and I feel very strongly that they have worked very hard. We have struggled with this because we appreciate the word of the residents. I feel as developers they have done everything we have asked them. They have put a lot of money and time in this. I appreciate that and want to thank you.

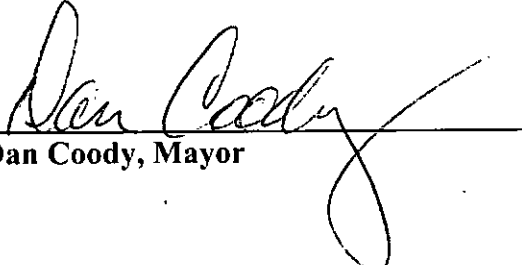
Alderman Rhoads: Is there good reason to wait on voting on this?

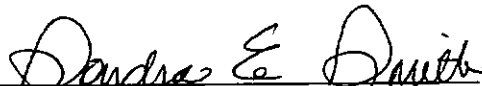
Alderman Allen: I would like to remediate on it a little bit. I think it is a really important thing. I just want to give it more thought.

Alderman Rhoads: That is a good enough reason for me.

This ordinance was left on the Second Reading.

Meeting adjourned at 10:10 PM


Dan Coody, Mayor


Sondra E. Smith, City Clerk/Treasurer