Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Sarah E. Lewis

City of Fayetteville Arkansas
City Council Meeting Minutes
May 5, 2009

A meeting of the Fayetteville City Council was held on May 5, 2009 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

PRESENT: Alderman Gray, Thiel, Cook, Rhoads, Ferrell, Lucas, Lewis, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Petty

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Mayor Jordan recognized the Spring International Group. They represent several different nations across the world.

Presentations, Reports and Discussion Items:

Alderman Cook announced the Board and Committee openings and the deadline for applying.

Consent:

Approval of the April 7, 2009 City Council meeting minutes, April 16, 2009 Special City Council meeting minutes, and April 21, 2009 City Council meeting minutes.

Approved

Insituform Technologies, Inc.: A resolution approving renewal of a contract with Insituform Technologies, Inc. in the amount of $330,000.00 for 2009 sanitary sewer main line and service lateral lining services.

Resolution 100-09 as Recorded in the office of the City Clerk.

Runway Safety Area Improvement Project Grants: A resolution authorizing the Fayetteville Executive Airport staff to apply for and accept grants from the Federal Aviation Administration and the Arkansas Department of Aeronautics to fund the Runway 16 Runway Safety Area Improvement Project; and approving a budget adjustment recognizing the grant revenue.

This resolution was removed from the Consent Agenda for discussion.

Bid # 09-34 Runway Safety Area Improvement Project: A resolution awarding Bid # 09-34 and approving a contract with Sweetser Construction, Inc. in the amount of $969,325.65 for construction of the Runway 16 Runway Safety Area Improvement Project.

This resolution was removed from the Consent Agenda for discussion.

McClelland Consulting Engineers, Inc.: A resolution approving an agreement with McClelland Consulting Engineers, Inc. for Airport Engineering Services.

Resolution 101-09 as Recorded in the office of the City Clerk.

Alderman Thiel moved to remove the following from the Consent Agenda: Runway Safety Area Improvement Project Grants and Bid # 09-34 Runway Safety Area Improvement Project. Alderman Ferrell seconded the motion. Upon roll call the motion passed 6-0. Alderman Rhoads was absent during the vote. Alderman Petty was absent.

Alderman Ferrell moved to table the Runway Safety Area Improvement Project Grants and Bid # 09-34 Runway Safety Area Improvement Project to the May 19, 2009 City Council meeting. Alderman Lewis seconded the motion. Upon roll call the motion passed 6-0. Alderman Rhoads was absent during the vote. Alderman Petty was absent.

Alderman Thiel moved to approve the Consent Agenda as amended. Alderman Lewis seconded the motion. Upon roll call the motion passed 6-0. Alderman Rhoads was absent during the vote. Alderman Petty was absent.

Unfinished Business: None

Public Hearing:

Mayor Jordan opened the Public Hearing.

Watson Condemnation and Possession: A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by Aaron H. Watson and Patricia Watson needed for the Mt. Comfort Road widening project.

Chris Brown, Interim City Engineer: This is the final piece of property to be acquired for the Mount Comfort Contract II project. We have acquired 59 of the 60 properties required for this project. We were not able to negotiate a settlement with Mr. Watson. We are requesting authorization to proceed to condemnation to acquire this right of way.

Alderman Cook: We have been trying to negotiate with them on a settlement and can not come to terms at this point?

Chris Brown: That is correct. They are asking for almost the entire cost of the property. We do not feel we are close enough to be able to come to any kind of an agreement.

Alderman Cook: If we pass this the usual process is that we continue to negotiate as much as we can until it comes to that point where we have to move forward.

Alderman Lewis: How is the pricing determined?

Chris Brown: We have not done an appraisal on this particular property. If we have ten properties that are similar we will do an appraisal on one of the properties and make offers for the rest of the properties. We will do a full appraisal on this property before we proceed to the condemnation and order of possession.

Mayor Jordan asked for public comment.

There was no public comment.

Mayor Jordan closed the Public Hearing.

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

Resolution 102-09 as Recorded in the office of the City Clerk.

New Business:

2009 Justice Assistance Grant (JAG): A resolution authorizing the Fayetteville Police Department to apply for a 2009 Edward Byrne Memorial Justice Assistance Grant in the amount of $456,807.00, $207,129.00 of which will be used by the Fayetteville Police Department for the purchase of equipment with $106,765.00 to be disbursed to the City of Springdale and $88,913.00 to Washington County.

Greg Tabor, Chief of Police: This grant does not require any match on our part or any commitment of the City. We have been getting this grant for several years. The amount of money is significantly more. Last year we had $24,000 to split between the three agencies. One of the grant requirements was that the public be allowed the opportunity to speak about it.

Mayor Jordan asked if there was any public comment.

There was no public comment.

Alderman Gray moved to approve the resolution. Alderman Thiel seconded the motion. Upon roll call the motion passed 7-0. Alderman Petty was absent.

Resolution 103-09 as Recorded in the office of the City Clerk.

RZN 09-3233 (Physicians Specialty Hospital): An ordinance rezoning that property described in rezoning petition RZN 09-3233, for approximately 2.97 acres, located at 3873 North Parkview Drive from R-O, Residential Office, to P-1, Institutional.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Development Services Department Director The Planning Commission voted 9-0 in favor of this request. Staff recommended in favor of this request. Jeremy gave a brief description of the rezoning.

Alderman Ferrell 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 Petty was absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5237 as Recorded in the office of the City Clerk.

ADM 09-3235 Amend Chapters 151, 161 and 162: An ordinance amending Title XV: Unified Development Code of the City of Fayetteville, to amend Chapters 151: Definitions, 161: Zoning Regulations, and 162: Use Units in order to classify and define animal daycare, animal boarding, and kennels, and to permit these uses in certain situations in Commercial, Industrial, and Residential-Agricultural Zoning Districts.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance. The Planning Commission voted unanimously in favor of this.

Alderman Lewis: Thank you for the work that went into this. It seems like it facilitates the process for more options in the C-2 zoning area. I think that is going to be good.

Jeremy Pate: There was a lot of discussion at the staff level because it is sort of an agricultural use but it is really sort of a business too. A lot of these operations also sell grooming products and offer grooming services. It is kind of a cross between an agricultural and a commercial use. We felt it was appropriate in certain commercial districts and the conditional use permit ability will allow the Planning Commissioners to look at those on a case by case basis.

Alderman Ferrell: Thanks to the staff we have another situation where we are defining the parameters for zoning and we are also able to accommodate a request for a citizen.

Melanie Chambers: I brought this to the attention of Jeremy and Andrew. Thank you so much for working on this. I support amending the zoning regulations.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5238 as Recorded in the office of the City Clerk.

ADM 09-3249 Amend Chapter 164: An ordinance amending the Unified Development Code subsection 164.02: Accessory Structures and Uses, to include setback and height regulations for accessory structures.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance. The Planning Commission voted 8-0 in favor of this. Staff is supportive of this request.

Alderman Lucas asked Jeremy to explain the higher than ten feet section of the ordinance.

Jeremy Pate: If it is higher than ten feet it simply has to meet the regular set backs just like the principal structure. It is really capped at ten feet. If you want to be closer to the property line you have to be within that ten feet maximum height. There is a maximum of 45 feet in residential districts for homes.

Alderman Lucas: So you can go up as much as you want?

Jeremy Pate: Just like your house currently. In the past we did not have a height limit at all and we established that for all residential zoning districts with the hillside/hilltop overlay district. The 45 feet came out of that discussion.

Alderman Lewis: I feel like this is a way to facilitate some more options for residents and more housing. Thank you for working on 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 Petty 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 Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Petty was absent.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5239 as Recorded in the office of the City Clerk.

American Recovery and Reinvestment Act: A resolution authorizing the Mayor to submit water, wastewater and storm water projects for consideration for funding under the American Recovery and Reinvestment Act; and designating the Mayor as the City of Fayetteville's authorized representative in all matters relating to the application and administration of said request.

David Jurgens, Utilities Department Director: These are the projects that we submitted under the Recovery Act. The City Council has to pass a resolution approving the submission of this project for a grant or loan funding. In an effort to be ahead of the game I will let them know that we are very interested in pursing these and that we are proceeding forward as if we will be approved.

City Attorney Kit Williams: We are considering the resolution that has the projects listed by name and cost. That is the resolution that was with the final agenda.

Alderman Lewis: This only deals with the listed projects?

City Attorney Kit Williams: You are authorizing the Mayor to apply for and accept these ten projects. It is limited to these ten projects.

Alderman Lucas moved to approve the resolution. Alderman Lewis seconded the motion. Upon roll call the motion passed 7-0. Alderman Petty was absent.

Resolution 104-09 as Recorded in the office of the City Clerk.

Agenda Additions: None

Announcements:

Don Marr, Chief of Staff: At the upcoming agenda session we will have a full report on the next steps related to the Fayetteville Forward Economic Summit. The results of your initial priorities, the items that the staff will be addressing first, as well as a recommended appointment of a Council member to address these items from the twelve areas that were brought up at the Summit.

The Transportation Division has completed a final sweep through the entire City on the debris cleanup related to the commercial sites. From this point forward limbs and yard waste will be picked up by the Solid Waste Division within the guidelines of the normal yard waste operating program. We are excited that the Transportation Division will return to its normal duties for the first time since January 26 of this year.

During this time we have removed over 100,000 cubic yards of debris in addition to the 500,000 cubic yards of debris that were handled by our outside contractor. You can be very proud of the City staff for the work that they did on private streets and commercial areas.

Mulch removal began at Fox Hunter Road and that contractor has hauled approximately 40 to 50 loads through the end of business today which is about 5,000 yards directly from the site at Fox Hunter to the end use areas in Huntsville and Morrilton, Arkansas. Those locations are using the chips for boiler fuel. We are not using the site on Willoughby at this time.

Alderman Thiel: I knew they were not using that site yet. Have they received the approval from ADEQ?

David Jurgens: They have applied for the ADEQ permit but they have not yet received it. They are hoping they will not have to use that site except as an over flow site and not as a primary. They are going to try to not use the site if possible. They did not think they could locate their grinders on Fox Hunter but they are managing to do it. It is creating some difficulty for them because the site is really muddy.

Don Marr: What might or might not drive the usage of the site would be being able to meet the City's contractual terms of May 20.

Through the close of business yesterday we had picked up about 495,463 cubic yards which is about the estimate that we told you. We spent about $4,101,000 so far and there are more invoices that will come through.

Alderman Thiel: I appreciate the staff and everyone trying to work out a better situation for Ward 1 residents. Thank you very much.

The meeting adjourned at 6:40 PM

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer