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 Boudreaux
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Sarah E. Lewis

City of Fayetteville Arkansas
City Council Meeting Minutes
October 18, 2011

A meeting of the Fayetteville City Council was held on October 18, 2011 at 6:00 p.m. 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, Boudreaux, Kinion, Petty, Tennant, Ferrell, Adams, Lewis, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

America in Bloom Awards

Mayor Jordan introduced Cynthia Cope who gave a brief presentation on America in Bloom. She presented the City with several America in Bloom awards. Mayor Jordan thanked Cynthia and stated you have done a tremendous job organizing volunteers to plant flowers all over the City. The main reason we received this award is because of your efforts in the City.

Alderman Lewis: I was able to observe this and saw just how much work goes into America in Bloom. It is networking but also a producing product that is really neat.

City Council Meeting Presentations, Reports and Discussion Items:

Agenda Additions:

Mayor Jordan: Chris Brown and City Attorney Kit Williams have asked to bring a resolution forward.

City Attorney Kit Williams apologized for the late addition. He gave a brief explanation of why this needed to be added to the agenda.

Alderman Ferrell: At one time we had a problem with overloading walk on agenda items but this has not been the case in the past. Every once in a while it's good to remember that.

Alderman Boudreaux moved to amend the agenda and add the Patrick J. Tobin Settlement Agreement resolution. Alderman Kinion seconded the motion. Upon roll call the motion passed unanimously.

Patrick J. Tobin Settlement Agreement: A resolution approving a settlement agreement with Patrick J. Tobin, Trustee of the Patrick J. Tobin Revocable Living Trust U/D/T March 4, 1997, concerning condemnation litigation filed as part of the Township Street Widening Project, in the total amount of $60,000.00.

City Attorney Kit Williams gave a brief explanation of the resolution.

Chris Brown, City Engineer explained how the settlement would be payed for.

City Attorney Kit Williams stated this project has certainly improved Township.

Alderman Boudreaux: We are talking about this little strip of land?

City Attorney Kit Williams explained the location of the property. He noted that this settlement offer is less than one third of what they originally demanded.

Alderman Boudreaux: It's also a lot more than what we originally offered.

Chris Brown clarified the location of the property.

Alderman Boudreaux: I see the legend now. That actually seems pretty reasonable.

Alderman Boudreaux moved to approve the resolution. Alderman Kinion seconded the motion. Upon roll call the resolution passed 7-1. Alderman Petty voting no.

Resolution 181-11 as recorded in the office of the City Clerk.

Consent:

Approval of the October 4, 2011 City Council meeting minutes.

Approved

Animal Services Division Donation Revenue: A resolution approving a budget adjustment in the amount of $31,943.12 representing citizen donation revenue to the Animal Services Division for the first, second and third quarters of 2011.

Resolution 182-11 as recorded in the office of the City Clerk.

Botanical Garden of the Ozarks: A resolution approving a participation and unsecured loan agreement with the Botanical Garden of the Ozarks to install ten (10) LED lights and poles in the amount of $34,911.38 as part of the City of Fayetteville Community Revolving Loan Fund for Energy Efficiency.

Resolution 183-11 as recorded in the office of the City Clerk.

Bid #10-36 Premier Lighting Group: A resolution authorizing purchase of ten (10) additional LED fixtures and poles in the amount of $19,042.28 pursuant to Bid #10-36, from Premier Lighting Group for installation at the Botanical Garden of the Ozarks as part of the Community Revolving Loan Fund for Energy Efficiency Program.

Resolution 184-11 as recorded in the office of the City Clerk.

Alderman Boudreaux moved to approve the Consent Agenda as read. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Ferrell was absent during the vote.

Unfinished Business:

RZN 11-3892 (Fayette Junction Master Plan): An ordinance rezoning that property described in rezoning petition RZN 11-3892, for select properties located within the Fayette Junction Master Plan area totaling approximately 225 acres. ***This ordinance was left on the Second Reading at the October 4, 2011 City Council meeting.***

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

City Attorney Kit Williams read the ordinance.

Jeremy Pate briefly explained the benefits this would have on this area. He thanked the citizens and staff who were involved with this project.

Alderman Lewis: This is a good approach it is a whole planning process. Establishing form based codes in these areas now allows a future developer to have those incentives in place.

Felicia Farris, resident of 2215 Haskell Heights asked if anyone has looked at or made provisions for the number of unsheltered homeless people that will be displaced. She asked that the Council look into this and find a solution.

Alderman Ferrell: In looking at this Fayette Junction Plan do you have any recommendations that you think would help?

Felicia Farris: There are several communities that have a people's park. People stay in tents in these parks and the parks offer provisions that are needed.

Alderman Petty: I am intrigued by the idea of people's parks. I agree with you in principle, that we need to look at the problem of homelessness in greater detail, and maybe that will be a solution that we can look at.

Felicia Farris: Right now would be a good time to start looking at something like that.

Alderman Boudreaux: How does this relate to the Fayette Junction Master Plan?

Felicia Farris: Because people will be displaced.

Alderman Boudreaux: Because we are rezoning it?

Felicia Farris: If the building starts yes.

Alderman Boudreaux: I don't think building is going to necessarily start as a result of this rezoning, in fact some of this rezoning is limiting some of that. I think you brought up some good points but to me it does not affect the rezoning of this.

Felicia Farris: It does in some regards if the homeless people are moved around and rotated and they rotate back to my property.

Alderman Lewis: We have talked about this at Ward 4 meetings and it is an issue. I think that there needs to be some effort put into that. As far as the decision tonight, I think this kind of neighborhood planning helps that type of thing, in looking at what is happening in the land use and including the human component of that is a good idea.

Felicia Farris continued to voice her concerns.

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

Ordinance 5448 as Recorded in the office of the City Clerk

RZN 11-3916 (Holcomb Heights PZD/TTO LLC): An ordinance rezoning that property described in rezoning petition RZN 11-3916, for approximately 19.24 acres, located at the

southwest corner of Salem and Weir Road from R-PZD, Residential Planned Zoning District (06-2281 Holcomb Heights I and 07-2613 Holcomb Heights II), to RSF-8, Residential Single-Family, 8 units per acre. ***This ordinance was left on the Second Reading at the October 4, 2011 City Council meeting.***

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

City Attorney Kit Williams read the ordinance.

Alderman Lewis: Thank you for holding this. I did not receive any more comments about this. There was clarification made about the RSF-8 that really helped.

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

Ordinance 5449 as Recorded in the office of the City Clerk

ADM 11-3943 Belclaire Subdivision-Amendment to Bill of Assurance): An ordinance to amend Section 3 of Ordinance No. 4605 to amend the Bill of Assurance to reduce the minimum house size from 2,400 square feet to 2,000 square feet. ***This ordinance was left on the Second Reading at the October 4, 2011 City Council meeting.***

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5450 as Recorded in the office of the City Clerk

New Business:

VAC 11-3931 (510 W. 11th St. & 989 S. School Ave./Campus Crest): An ordinance approving VAC 11-3931 submitted by Morrison Shipley Engineers, Inc. for property located at 510 West 11th Street and 989 South School Avenue to vacate unconstructed street right-of-way.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

Alderman Lewis: West Street is an imaginary line if you go to the actual property right?

Jeremy Pate: Yes, so you don't really see any indication of these rights of way when you look at the property.

Alderman Lewis: Did the sale barn built around those easements or were they right on top of it?

Jeremy Pate: They are right on top of a portion of the alley.

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Boudreaux seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Lewis moved to suspend the rules and go to the third and final reading. Alderman Adams seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Lewis questioned where the West Avenue easement goes to.

Jeremy Pate briefly explained where the easement is located.

Alderman Lewis: Vacating this will not usurp the streamside protection.

Jeremy Pate: Correct, the project we are reviewing actually incorporates that streamside protection. Whereas this right of way shows us to build a street through that very area which is not what we want to do in this case.

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

Ordinance 5451 as Recorded in the office of the City Clerk

VAC 11-3940 (Summit Place Subdivision): An ordinance approving VAC 11-3940 submitted by Coover Consultants for property located in the Summit Place Subdivision to vacate a portion of a utility easement throughout the subdivision.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

Alderman Ferrell: Before that was rezoned to Neighborhood Conservation were there any lots sold up there?

Jeremy Pate: There was one and it's a property that is owned by someone in California who has not responded to any of the notifications that we have sent.

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Kinion seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Jeremy Pate: Mr. Ferrell, on page 5 of 20, on the Exhibit on the right hand side of the page the line kind of stops. That lot is not included in this easement vacation and was not included in the rezoning either.

Alderman Ferrell: If that person had requested a permit under the old zoning and the zoning changed, would they be under the old zoning?

Jeremy Pate: If they had requested a permit, yes that is correct.

Alderman Ferrell: When I saw that I didn't know whether it was one or two but that is good.

Jeremy Pate: The zoning remained the same for that lot. We didn't include it in the request.

Alderman Ferrell moved to suspend the rules and go to the third and final reading. Alderman Adams seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Lewis: In the past there has been significant erosion off of this hillside that went onto Township. I am hoping that the form based code and the narrowing of the easements can push those buildings forward and save some of the trees. I was wondering if you might speak on the tree part of this design and development.

Gary Coover with Coover Consultants stated the developer wants to save as many trees as possible. They are going to have a conservation easement that starts about 60 feet back from the front property line to the back of the lot. The back of every lot will have a sizable conservation easement.

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

Ordinance 5452 as Recorded in the office of the City Clerk

ADM 11-3934 (Amend UDC Chapters 164.12 and 164.13): An ordinance amending the Unified Development Code of the City of Fayetteville related to Nonconforming Uses and Structures and Non Residential Uses in R Districts.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

Alderman Boudreaux: I think this is very good and I appreciate staff for looking at this. I support it.

Alderman Ferrell: I agree with what Brenda said. Thanks for bringing this forward.

Alderman Lewis: This kind of amendment points to the importance of the role of the Board of Adjustments and the amount of time that they spend reviewing all the applications based on this kind of code.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5453 as Recorded in the office of the City Clerk

NWA Entertainment, LLC: An ordinance waiving competitive bidding and approving a cost-share agreement with NWA Entertainment, LLC in the amount of $75,255.00 for water line design and construction for the Arkansas Music Pavilion.

City Attorney Kit Williams read the ordinance.

Chris Brown gave a brief description of the ordinance.

Alderman Lewis: This went through the Water and Sewer Committee and it was approved.

Alderman Ferrell: It's all together properly fitting. I am glad this was able to come about.

Alderman Adams: The opportunity to cost share at a time like this is very important for the City to take advantage of. I appreciate you talking about the advantage to fire safety and other things out there.

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Boudreaux seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.
Alderman Boudreaux moved to suspend the rules and go to the third and final reading. Alderman Adams seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Tennant: There has been a lot of good thought and Planning put into this project all across the board. This is an important project and is going to be a benefit to businesses on that side of town. Thank you for putting good thought into it.

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

Ordinance 5454 as Recorded in the office of the City Clerk

Mayor Jordan thanked several people and organizations for their support in the passage of the sales tax, announced several awards that the City received and gave a report of his trip to the Mayor's Conference in Washington D.C.

Meeting adjourned at 7:20 p.m.

Lioneld Jordan, Mayor **Sondra E. Smith, City Clerk/Treasurer**