

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



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
December 20, 2011**

A meeting of the Fayetteville City Council was held on December 20, 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:

Mayor Jordan asked Ms. Hopper's American History and Government class to stand and be recognized.

City Council Meeting Presentations, Reports and Discussion Items:

Nominating Committee Report

Alderman Gray gave the Nominating Committee Report.

Alderman Ferrell moved to approve the Nominating Committee Report. **Alderman Petty** seconded the motion. Upon roll call the motion passed unanimously.

Fayetteville Town Center Report

City Clerk Sondra Smith stated that the report was in the Council packet.

Agenda Additions: None

Consent:

Approval of the December 6, 2011 City Council meeting minutes.

The minutes were removed from the Consent Agenda and will be approved at the January 3, 2012 City Council meeting.

2012 Transportation Division Overlay/Sidewalk Projects: A resolution approving the Transportation Division Overlay/Sidewalk Projects list for 2012.

Resolution 215-11 as recorded in the office of the City Clerk.

Bid #10-40 Amerlux Exterior LLC: A resolution authorizing purchase of thirty-seven (37) LED light fixtures and poles in the amount of \$67,667.27 pursuant to Bid #10-40 from Amerlux Exterior LLC (FKA Dynamic Lighting Solution).

Resolution 216-11 as recorded in the office of the City Clerk.

2011-2012 Internet Crimes Against Children Task Force Program Continuation Grant: A resolution accepting a non-matching 2011-2012 Internet Crimes Against Children Task Force Program Continuation Grant from the Arkansas State Police in the amount of \$5,000.00, and approving a budget adjustment.

Resolution 217-11 as recorded in the office of the City Clerk.

Fayetteville Police Department Donation Revenue: A resolution approving a budget adjustment in the amount of \$1,800.00 recognizing revenue received from various donations to the Fayetteville Police Department in support of general recognition and officer service awards, and expressing gratitude to the donors.

Resolution 218-11 as recorded in the office of the City Clerk.

Arkansas Recreational Trails Grant: A resolution approving an agreement of understanding with the Arkansas State Highway and Transportation Department for the acceptance of an Arkansas Recreational Trails Grant in the amount of \$80,000.00 for the construction of Lake Fayetteville Trail (South), and approving a budget adjustment.

Resolution 219-11 as recorded in the office of the City Clerk.

ASPCA Scholarship Donations: A resolution to accept a scholarship donation in the amount of \$1,561.00 from the American Society for the Prevention of Cruelty to Animals for Animal Control Officer Chris Harrimann to attend a cruelty investigation course at the University of Missouri and to approve a budget adjustment to recognize this revenue.

Resolution 220-11 as recorded in the office of the City Clerk.

Baird, Kurtz & Dobson (BKD), LLP: A resolution approving a contract with Baird, Kurtz & Dobson (BKD), LLP, in the amount of \$87,000.00 to provide independent audit services to the City of Fayetteville.

Resolution 221-11 as recorded in the office of the City Clerk.

Pick-It Construction, Inc.: A resolution to approve a change order with Pick-It Construction, Inc. in the amount of \$19,710.00 and to approve a budget adjustment to recognize a donation from the Fayetteville Youth Baseball League up to \$33,600.00 to complete this project.

Resolution 222-11 as recorded in the office of the City Clerk.

City Clerk Sondra Smith requested that the minutes be pulled from the agenda.

Alderman Ferrell moved to approve the Consent Agenda as read with the December 6, 2011 minutes removed. Alderman Tennant seconded the motion. Upon roll call the motion passed unanimously.

Unfinished Business:

Premier Lighting Group: A resolution to award a bid for 37 LED light fixtures and poles from Premier Lighting Group in the amount of \$70,661.00. ***This resolution was tabled at the December 6, 2011 City Council meeting to the December 20, 2011 City Council meeting.***

City Attorney Kit Williams stated this has been redone and the resolution has already been approved. I would recommend that this be tabled indefinitely and it will automatically be denied on December 31st.

Alderman Boudreaux moved to table the resolution indefinitely. Alderman Lewis seconded the motion. Upon roll call the motion passed unanimously.

This resolution was Tabled Indefinitely.

Naming Alley: A resolution to name the alley that runs from Dickson Street south toward Center Street between School Avenue and Locust Avenue for 911 purposes. ***This resolution was tabled at the December 6, 2011 City Council meeting to the December 20, 2011 City Council meeting.***

John Goddard, GIS Coordinator gave a brief description of the resolution. He stated since the last meeting the possible street names "Bakery" and "Shipley" have been approved by the committee.

A discussion followed on previous motions made to amend the street name at the last Council meeting and whether or not it can be named a street or an alley.

Alderman Petty: I only support Diagon because of the overwhelmingly positive support since the idea was suggested.

Alderman Ferrell: I plan to offer an amendment to name this Shipley Alley.

Alderman Boudreaux: I certainly think that Shipley Alley is a good suggestion.

Catherine Bass, a citizen spoke on the emergency responder's situation that occurred earlier this year. She spoke on why this needed to be approved.

Burney Carmen, a citizen spoke in support of naming the alley Diagon Alley.

Molly Carmen, a teacher at Fayetteville High School spoke in support of Diagon Alley.

Alderman Adams asked how long will we know what Diagon Alley is.

Molly Carmen: I think that Harry Potter is going to be as long lasting and well loved as the Chronicles of Narnia and Mary Poppins and people will love it for a very long time.

Gracie Leach Pendleton, a citizen stated her grandfather started the bakery in 1936 on Dickson Street. She spoke in favor of Shipley Alley.

Alderman Petty read quotes from various articles and comments from citizens in support of Diagon Alley.

Alderman Ferrell asked that we hold historic significance for historic landmarks. He stated Shipley is something worth considering.

Alderman Tennant: As much as I like the creativity that is behind the suggested name I prefer Shipley for various historical reasons.

Alderman Adams spoke on the history of Dickson. She spoke in support of Shipley Alley.

Alderman Gray stated after receiving citizen input I quickly started to lean toward naming it Shipley Alley.

Alderman Lewis: The people in Harry Potter feel connected to Diagon Alley because of the significance of the place in the story. You can take that and think about Shipley or Bakery Alley has a similar affect on Fayetteville in its own history. I support Shipley Alley.

Alderman Boudreaux: This is important to us that live here in Fayetteville and that is why I will support Shipley.

At the previous City Council Alderman Petty moved to amend the name of the alley to Diagon Alley. Alderman Kinion seconded the motion. The motion was tabled to the December 20, 2011 City Council meeting.

The above motion was voted on at the December 20, 2011 City Council meeting. Upon roll call the motion failed 2-6. Alderman Kinion and Petty voting yes. Alderman Gray, Boudreaux, Tennant, Ferrell, Adams, and Lewis voting no.

Alderman Ferrell moved to amend the name of the alley to Shipley Alley. Alderman Boudreaux seconded the motion.

Alderman Petty: I am glad we went through this process because it was on the Consent Agenda as Midtown Alley.

Alderman Lewis encouraged all the citizens that were involved in this item to continue to stay involved in the future.

Upon roll call the motion passed unanimously.

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

Resolution 223-11 as recorded in the office of the City Clerk.

RZN 11-3960 (1730 N. Old Wire Road) Appeal: An ordinance rezoning that property described in rezoning petition RZN 11-3960, for approximately 8.60 acres, located at 1730 North Old Wire Road from RSF-4, Residential Single-Family, 4 units per acre to NC, Neighborhood Conservation, subject to a Bill of Assurance. ***This ordinance was left on the Second Reading at the December 6, 2011 City Council meeting.***

Alderman Gray 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.

Jeremy Pate pointed out the property lines on the map.

Aubrey Shepherd expressed his concerns with the zoning classification. He is concerned about there not being any green space left and there being more impervious surface. This does not meet the stormwater needs. He spoke against the ordinance.

Michelle Hightower, resident of 1645 Charlee Avenue stated I very much oppose the rezoning of this property. There is no way that property will be compatible with the surrounding neighborhoods or will have density that is similar to the surrounding neighborhoods. There is a lot of concern about traffic and safety in this area.

Scott Burden, resident of 1702 Charlee Avenue spoke in opposition of the rezoning. He expressed his concerns with the traffic if this is passed and the increased density. He is also concerned about the safety of the children in this location and the affect on property values.

Alderman Ferrell: On your concern with the traffic, do you think that is going to be twice a day?

Scott Burden: I think with this type of density and housing, that we will see, it will be throughout the day. The real concern is when there are a lot of kids on the street.

Alderman Adams: Could you talk a little more on the effect this will have on your property value.

Scott Burden: If these are really small homes with no yards, I am concerned that putting something that close to Charlee Street with a connection onto Charlee Street, especially if it becomes student housing, that will have an impact on housing values.

Alderman Adams: If the houses were bigger than 3,100 square feet do you think it would have a negative impact on your property value?

Scott Burden: Where there is heavy concentration of student housing for families, it is not a desirable place to live.

Johnese Adams, resident of 1630 Charlee Avenue spoke in opposition of the ordinance. She expressed her concerns with the traffic and density.

Laura Lindsey, resident of 1616 North Charlee Avenue stated I am opposed to the rezoning. She voiced her concern on the safety issues for children in the area, the connectivity, and the traffic this will create. She also questioned the number of houses that can be built.

Jeremy Pate stated the maximum would be 50 homes based on the bill of assurance.

Amy Rossetti, resident of 1657 Charlee Avenue spoke on the positive qualities of this neighborhood. She stated there isn't any room for this development. She spoke against the ordinance.

Vince Massanelli, resident of 1735 North Charlee Avenue expressed his concerns with the traffic in that area. He spoke against the ordinance.

Gary Sager, resident of 1633 Charlee Avenue spoke on the effects this would have on the property values and went on to speak against the ordinance.

Andy Hightower, resident of 1645 Charlee Avenue expressed his concerns for children's safety. He spoke against the ordinance.

Sarah Bunch, a Planning Commissioner stated I support this rezoning for a variety of reasons. She spoke in favor of the ordinance.

Alderman Ferrell: Had you been present would you have voted for this?

Sarah Bunch: I cannot vote for this because the lady that owns the land and wants to sell it is my aunt.

Alderman Ferrell: Had you been able to vote how would you have voted?

Sarah Bunch: I would have voted for it. She listed the reasons she would support the ordinance.

Anthony Clark, a citizen pointed out that a lot of the concerns and issues with this rezoning have to do with current conditions that would not be affected regardless of the zoning change. He spoke in favor of the ordinance.

Kyle Adams, resident of 1630 Charlee stated safety for our kids is the utmost importance to us. He spoke against the ordinance.

Patricia Eaton, resident of 2731 East Hardy Lane pointed out current safety issues that exist.

Alderman Lewis asked for clarification on connectivity of the streets and what exactly will be decided on tonight.

Jeremy Pate explained the connectivity and stated the same rules will apply no matter what it is zoned.

A discussion followed on connectivity.

Alderman Petty: I am going to vote for this. I do not think the change in density is radical. He listed reasons why he will support the ordinance.

Alderman Adams spoke on the positive affects this zoning can have on the neighborhood. She stated I do not believe that building smaller homes is going to cause the traffic problems and I am going to vote for this.

Alderman Ferrell asked Jeremy if there has ever been a connectivity situation that was welcomed by the people on either side of it.

Jeremy Pate stated no. He explained past experiences with proposed connectivity.

Alderman Ferrell: I don't think that density is a weighing factor. I think the connectivity is going to help.

Alderman Tennant spoke on the safety issues at various school areas. He stated I think there are ways that we can help and I will be voting for it.

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

Ordinance 5469 as Recorded in the office of the City Clerk

Hilton Garden Inn Tree Preservation Area Modification: A resolution to vacate about one-tenth of an acre of a tree preservation easement to be mitigated by the planting of 29 large species trees and developing the lot utilizing low impact development standards. ***This resolution was tabled at the December 6, 2011 City Council meeting to the December 20, 2011 City Council meeting.***

Allison Jumper, Park Planning Superintendent gave a brief description of the resolution.

Blake Jorgensen with Jorgensen Associates gave an explanation of their plans for the project.

Alderman Lewis spoke on the positive affects this will have on stormwater management.

Aubrey Shepherd spoke on mitigation and asked the Council to do their homework when considering voting for this. He expressed his concerns with the resolution.

Alderman Lewis stated there is a balance between how do you manage the development and water and also maintain the habitat. I think this is a good opportunity.

Alderman Adams thanked Alderman Lewis for taking the time to look into this.

Alderman Adams moved to approve the resolution. **Alderman Boudreaux** seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 224-11 as recorded in the office of the City Clerk.

Bellefont Gardens Tree Preservation Area Modification: A resolution to approve a modification of the tree preservation area in the Bellefont Gardens development to shift about one-half acre of tree preservation area from Lot 1 to Lot 4. ***This resolution was tabled at the December 6, 2011 City Council meeting to the December 20, 2011 City Council meeting.***

Don Marr, Chief of Staff requested that this item be tabled to the second meeting in January to give the current owners of the property and the adjoining property an opportunity to meet and discuss this item.

Alderman Lewis moved to table the resolution to the January 17, 2012 City Council meeting. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Petty was absent during the vote.

This resolution was tabled to the January 17, 2012 City Council meeting.

Amend §50.40 Rates for Services: An ordinance to amend §50.40 Rates for Services of the Fayetteville Code by enacting a new subsection (B)(6) to charge \$.95 per month per multi-family unit for recycling services when offered. *This ordinance was left on the First Reading at the December 6, 2011 City Council meeting.*

Alderman Lewis moved to suspend the rules and go to the second reading. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Petty was absent during the vote.

City Attorney Kit Williams read the ordinance.

David Jurgens briefly explained the ordinance.

Alderman Ferrell: I will be interested in seeing a report in the latter part of the year.

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

City Attorney Kit Williams read the ordinance.

Alderman Lewis: I am just really glad that we are trying to get more opportunities to recycle in the apartments and this is a good opportunity to do that.

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

Ordinance 5470 as Recorded in the office of the City Clerk

New Business:

RZN 11-3971 (Best Way St. & Hollywood Ave.): An ordinance rezoning that property described in rezoning petition RZN 11-3971, for approximately 25.35 acres, located at the End of Best Way Street and Hollywood Avenue from C-2, Thoroughfare Commercial, to RMF-12, Residential Multi-Family, 12 units per acre.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

Alderman Boudreaux asked where the property was located.

Jeremy Pate clarified the location of the property.

Alderman Boudreaux: So you are telling me that none of the property on the west side of the creek is developable?

Jeremy Pate: Every bit of that is in the floodway or floodplain along the west side.

Alderman Boudreaux: So how much acreage are we talking about?

Jeremy Pate: It is a 25 acre tract and the area to the west is about 8 acres. So it leaves a significant portion of the site, that is still developable, for what they would like to do.

A discussion followed on where the floodway was located.

Alderman Boudreaux: You can build on a floodplain.

Jeremy Pate: That is correct.

Alderman Boudreaux: I am just concerned about adding any more multi-family on Futrall or off of I-540. I think this needs to be kept commercial.

Jeremy Pate pointed out an aerial photograph of the site.

Alderman Lewis: RMF-12 is one of our form based codes.

Jeremy Pate: That is correct.

Alderman Petty: On our future land use map in the City Plan is any of the frontage along Best Way and Hollywood indicated for mixed use or commercial use?

Jeremy Pate: It's called Urban Center which allows for multiple uses.

Alderman Petty: I am concerned that the commercial uses by right would be removed from those two streets. I am not sure this is the best use. I want to think about it a little more.

Blake Jorgensen with Jorgensen Associates stated this is one of those pieces of property that does have frontage, but due to the floodway you are not going to have any visibility. He spoke on their plans for the property and stated if you are looking at the overall tract of land you are not getting a full yield out of the purchase of land. It is a good zoning that we think is going to work well for Fayetteville.

Alderman Petty: I would be at ease voting for a rezoning, that would allow the same kind of residential uses of the same density, if it retained the same kind of mixed use by right for commercial activity. Did you consider Neighborhood Services or Community Services?

Blake Jorgensen: This is one of those properties that there wasn't a point to beat around the bush. We knew that they wanted this to be specifically for student housing.

Ramsay Ball with Colliers International, representing the buyer of the property explained the differences between this property and the Love Box property. I feel this is an appropriate use for a single type of development and I hope you will support it.

Alderman Boudreaux: There probably is not a better use for it. I would like to see it down zoned from C-2. I probably will support this.

Ramsey Ball: This has been in the works for quite a while and we have received no comments or questions.

Aubrey Shepherd: I am not speaking against the project but I would like it to be treated as the delicate and significant site that it is for purposes of protecting the watershed and the trees in the riparian zone.

Alderman Lewis stated any kind of drainage or design discussions would come later.

Jeremy Pate: That is correct, that comes with the development proposal. It is still subject to all of the same requirements with the addition of the streamside buffer ordinance on this particular property.

Alderman Lewis: When that happens it would be exciting if it could be a low impact development design. I think the proposed zoning is fine and I would support it.

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

City Attorney Kit Williams read the ordinance.

Alderman Lewis: Where does the green infrastructure come into consideration in a project like this when you are looking into zoning?

Jeremy Pate explained it is part of the policy tools that we incorporated with our City Plan 2030. He explained the processes used when considering green infrastructure.

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

Ordinance 5471 as Recorded in the office of the City Clerk

ADM 11-3993 (UDC Amendment I-1 Zoning District): An ordinance amending Title XV: Unified Development Code of the City of Fayetteville §161.27 to modify the rear setback requirement in the I-1 zoning district.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

Alderman Lewis moved to suspend the rules and go to the second reading. **Alderman Adams** 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 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 5472 as Recorded in the office of the City Clerk

Amend Section 33.240: An ordinance amending Section 33.240: Purposes and Duties of Article XI: Environmental Action Committee of Chapter 33: Departments, Boards Commission, and authorities of the Code of Fayetteville to provide additional authority related to Community Wildlife Habitat Certification.

City Attorney Kit Williams read the ordinance.

Alderman Lewis gave a brief description of the ordinance.

Terry Lane, representing the Environmental Action Committee explained the certification process.

Alderman Lewis: The same way that America in Bloom is a program that Fayetteville participates in, this is a similar type of thing. Bobby had an idea that, in maintaining this project, we would add language subject to City Council approval.

Alderman Ferrell moved to amend the ordinance to add *subject to City Council approval*. **Alderman Lewis** seconded the motion.

Aubrey Shepherd: The industrial and commercial sites, if they have any land they can set aside and be eligible for this program if they designate and manage in the way it takes to have native vegetation.

Upon roll call the motion passed unanimously.

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

City Attorney Kit Williams read the ordinance.

Alderman Lewis: This can be used as a tool for City staff to help communicate their good deeds to people in the area.

Alderman Ferrell: It would be neat if occasionally we could get a report letting us know the progress. I think this is a good idea.

Mayor Jordan: We have certified a lot of schools in this City too. Fayetteville is the largest school to be certified in the State of Arkansas.

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

Ordinance 5473 as Recorded in the office of the City Clerk

Kum & Go Appeal: Appeal of the Planning Commission's determination to limit access for a proposed Kum and Go Large Scale Development at Martin Luther King, Jr Blvd and Hill Avenue.

Jeremy Pate: What is proposed is a 16 pump service station with about a 5,000 square foot convenience store. The Planning Commission approved the large scale development for this site with conditions. They approved as part of their conditions a variance to allow a curb onto Martin Luther King Boulevard restricting it to a right in and right out sighting safety concerns with left turn movements. Approval was also conditioned upon applicant constructing a driveway connecting to Royal Oak Parkway. The applicant has appealed those two conditions. We felt left in and left out would create a dangerous traffic condition. The appeal that has been filed requests a left hand turning movement into this site from Martin Luther King.

A short video was presented showing the traffic on Martin Luther King.

Jeremy Pate: It is our recommendation to the City Council to affirm the Planning Commission's 8-1 vote to allow a variance for access to Martin Luther King with a right in and right out turning movement only and to allow cross access and connectivity to Royal Oak Parkway to the west.

Chris Brown presented a map which showed the existing conditions. He explained the location of the curb cuts and discussed the conflicts and problems with traffic that could occur.

Alderman Tennant: If I am going east I am going to be able to turn right into the Kum & Go. What is going to stop me if I am coming from the west from turning in there anyway?

Chris Brown pointed out the Highway Departments standards. He stated there would be a median constructed that is angled out so you would not be able to turn in.

Alderman Lewis: What is the percentage of crashes that result from turning in driveways?

Chris Brown: About 50% of crashes that occur at driveways are related to folks turning left into the driveway.

City Attorney Kit Williams passed out the code that talks about the variance being discussed.

Aaron Rushing with CEI Engineering representing Kum & Go explained the process that they have gone through with this development. He discussed the changes that have been made to the project. Hill Place has said they do not want a connection to their drive. We have conducted a traffic safety study that is included in your information.

Alderman Ferrell: Did you say that the east bound traffic that was going to turn north on Hill Street, that was part of the backing up?

Aaron Rushing: That was not in the center turn lane. That was going straight.

John Bolte with Small Arrow Engineering explained how they helped improve the situation with access and make it safe for everyone. I know there is concern about the left in access off of Martin Luther King. He also gave a review of the site plan and some of the challenges with deliveries to the store.

Alderman Petty: Does the access on the left side cut across the median?

Jeremy Pate: That schematic shows it does, that would not occur. That access would be a right in and right out onto Royal Oak Parkway.

Alderman Petty: Is there a reason why it can't cut across the median?

Jeremy Pate: The median in this particular case is private property. So the right of way is essentially the roadway. That decision was made during the PZD process.

Don Marr: We will bring you each quarter things, where we had unintended consequences from our ordinances, that we want to be able to change and give us the ability to get that in the future.

Alderman Petty: Is there a reason why we couldn't negotiate with the property owner to condemn that because it is public infrastructure to make that go through?

Jeremy Pate: I think that is probably what it would take. It would have to be justifiable for a public purpose. The property owner has indicated that they do not wish for that to occur so it would take some sort of action.

John Bolte Small Arrow Engineering, Joplin Missouri clarified why they would like to have a access point on Martin Luther King.

A discussion followed on the report and the access points for the project.

Don Marr: I want to defend staff's position because when we talk about where risk is going to happen in these developments we have these situations all over town where developers come in who have other economic models. There are differences here, Hill Street which is currently contracted by the University of Arkansas to function as a student housing development, creates circumstances at different times of the day. The Kum and Go location at Township we love how that corner changed. We love them as a business in our community. We want to have them here but at what price. I don't think the staff looked at this as a means of trying to be difficult. I think they looked at it and thought we really think there is a safety issue here and we think the safety issue has the potential to increase.

John Bolte: As far as traffic counts we are under the threshold for a five lane section. From that stand point we are pretty comfortable with that weaving space. Improving the signal is the key to a lot of things I am hearing. The thing that I am concerned about is the delivery vehicles getting hung up if they are coming from the east having to use Hill to get in and out of that entrance. It is a tight movement. It would be a lot easier for them to come in off MLK.

Rob Wadley with Kum and Go gave a brief history of Kum and Go. He also pointed out the landscape plan they have for the site. He addressed why Kum and Go needs the three quarters access. Our intentions are to add 15 more jobs and this is a \$3.6 million development which will be an economic impact to Fayetteville. There is also an increase in your tax base. We need a three quarter access in order for us to build a \$3.6 million LEED certified store.

Alderman Lewis: For deliveries it seems like most deliveries would come from the interstate. Very few would be heading west and trying to turn left.

Rob Wadley: We have a new store on College and Township so if they make a delivery at that store they could then come to this store and that would be making a left turn in.

Alderman Lewis: The access ordinance is relatively new.

Jeremy Pate: It is. We adopted the most current form in 2008. Jeremy updated the Council on the curb cuts on Martin Luther King. When some of the properties were built along Martin Luther King there was no access management policy when they were developed. The difference is that we do not have many 16 pump convenience store gas stations in the City. We took into consideration the changes to the signal heads. We have not looked at the traffic study that was passed out tonight in detail.

Justin Tennant: Regarding your business intelligence group, in the traffic study it mentions 23,000 cars a day on MLK, do you know what formula was used. What percentage of that group of cars do you consider customers on a daily basis? Where did you get the 29 percent loss number?

Rob Wadley: We only get just over half that traffic.

Justin Tennant: Approximately 3,300 cars would miss that left hand turn and not turn left into your business?

Rob Wadley: Or loss of customer.

Alderman Adams: Do you have teenage drivers in your home.

Rob Wadley: No.

Alderman Ferrell: Is this a deal buster?

Rob Wadley: Yes it is. We actually just terminated the one that we have on Wedington.

J.R. Meeks, Chambers Bank: We currently own the property and have been working with Kum and Go for almost a year. We have talked to other people that were looking at this site and a lot of them have the same issues with access to the property off of MLK. I think we are at the eleventh hour on this particular site and we believe they will take their business elsewhere. We as a bank are in favor of this.

Aubrey Shepherd: When you talk about the revenue I am sure there is a burst when you open a new store. When you talk about competitors these are people who will lose part of that revenue. That economic comparison is hard to judge. The access should be a right in.

City Attorney Kit Williams: The correction or improvement on the traffic light is that something that we can do or do we have to get permission from the State Highway Department and how difficult would that be to do?

Chris Brown: That would require a permit from the Highway Department. They would want to see the counts and it would have to be warranted before they would approve that.

City Attorney Kit Williams: What would your guess be that they would go along with that?

Chris Brown: Without seeing the traffic counts I do not know.

City Attorney Kit Williams: You would have to look at the traffic study they gave us. We do not have a traffic study right now concerning the safety of this particular proposed egress and ingress into this business.

Chris Brown: There was no traffic study provided to the staff.

City Attorney Kit Williams: How long would it take for you and your staff to look at the traffic study and be able to analyze it and give the City Council your analysis of the traffic study?

Chris Brown: I think we could do that by the next Council meeting.

City Attorney Kit Williams: My concern is the variance provision that you passed says you will grant a variance unless a parcel on the corner of an arterial or collector street provides such short frontage along the major street that there is no safe ingress/egress function or location on that street, the Planning Commission or City Council on appeal may deny the curb cut or may limit such curb cut to ingress or egress only. You would need to be able to initially find that there is no safe ingress/egress functional location. That generally would require something more than what I have heard tonight. I would like staff to look at the traffic study before you make a decision tonight.

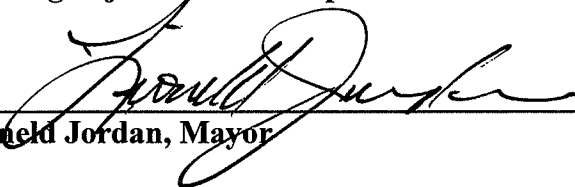
Alderman Boudreaux: I think that is a good suggestion. I would also like the City Engineer to evaluate the potential impact the school is going to have.

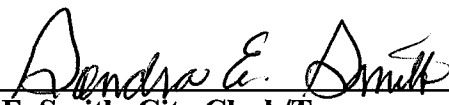
Alderman Boudreaux moved to table the resolution to the January 3, 2012 City Council meeting. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

This resolution was tabled to the January 3, 2012 City Council meeting.

Announcements:

Meeting adjourned at 9:35 p.m.


Lionel Jordan, Mayor


Sondra E. Smith, City Clerk/Treasurer

Nominating Committee Report

Meeting: Wednesday, December 14, 2011

City Hall, Room 326, 4:00 p.m.

Members Present – Adella Gray, Bobby Ferrell, Rhonda Adams, and Mark Kinion

The Committee recommends the following candidates for appointment:

Active Transportation Advisory Committee

- Quin Thompson – One Term Ending 12/31/13
- Gale Wingate – One Term Ending 12/31/13
- Jared Hintergardt – One Term Ending 12/31/13
- Nick Jones – One Term Ending 12/31/13
- Aaron Thomas – One Term Ending 12/31/13

Airport Board

- Ken Haxel – One Aeronautical Term Ending 12/31/16
- Bill Corley – One University of Arkansas Term Ending 12/31/16

Animal Services Advisory Board

- No applications were received

Audit Committee

- Judy Jacobs – One Term Ending 12/31/14

Board of Adjustments

- Tim Stein – One Unexpired Term Ending 03/31/15

Construction Board of Adjustments and Appeals

- Brian Hogue – One Unexpired Alternate Member Term Ending 03/31/12

Environmental Action Committee

- Dana Smith – One Citizen-at-Large Term Ending 12/31/14
- Lori Yazwinski – One Citizen-at-Large Term Ending 12/31/14

Housing Authority Board of Commissioners

- Matthew Cabe – One Term Ending 12/28/16

Parks and Recreation Advisory Board

- Phillip McKnight – One Term Ending 12/31/14
- Grant Hodges – One Term Ending 12/31/14
- John M. Paul – One Term Ending 12/31/14

Telecommunications Board

- Greg Goggans – One unexpired Term Ending 06/30/13

Urban Forestry Advisory Board

- Betty Martin – One University Representative Term Ending 12/31/13
- Donald Steinkraus – One Community Citizen-at-Large Term Ending 12/31/13