

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
April 3, 2012**

A meeting of the Fayetteville City Council was held on April 3, 2012 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: None

City Council Meeting Presentations, Reports and Discussion Items: None

Nominating Committee Report:

Alderman Gray read the Nominating Committee Report. A copy of the Nominating Committee report is attached.

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

Agenda Additions: None

Consent:

Approval of the March 20, 2012 City Council meeting minutes.

Approved

McClelland Consulting Engineers, Inc. Amendment No. 1: A resolution approving Amendment No. 1 to the agreement with the McClelland Consulting Engineers, Inc. for airport engineering services.

Resolution 62-12 as recorded in the office of the City Clerk.

Keeling Company: A resolution authorizing purchase of an additional two (2) irrigation wheels from Keeling Company in the amount of \$77,333.34, pursuant to Bid #11-71, for effluent irrigation to hay fields.

This item was removed form the Consent Agenda for discussion.

Crafton Tull & Associates: A resolution approving a contract with Crafton Tull & Associates in an amount not to exceed \$120,000.00 for engineering services to design water and sewer creek crossing repairs related to Spring 2011 floods, approving a project contingency of \$6,000.00, and approving a budget adjustment.

Resolution 64-12 as recorded in the office of the City Clerk.

Bid #12-14 Heckathorn Construction Company: A resolution awarding Bid #12-14 and approving a contract with Heckathorn Construction Company in the amount of \$42,421.00 for the structural repair of three storm damaged structures at the biosolids management site.

Resolution 65-12 as recorded in the office of the City Clerk.

Environmental Consulting Operations, Inc. Amendment No. 6: A resolution approving Amendment No. 6 to the Engineering Contract with Environmental Consulting Operations, Inc. in the amount of \$42,660.00 for pipeline stormwater, wetlands, and environmental issues and 2012 wetland site maintenance and reporting.

Resolution 66-12 as recorded in the office of the City Clerk.

IES Interactive Training USA: A resolution approving an agreement with IES Interactive Training USA in the amount of \$28,462.90, pursuant to a federal procurement agreement with the General Services Administration, for the purchase of a Use of Force Simulator for the Police Department.

Resolution 67-12 as recorded in the office of the City Clerk.

Alderman Boudreaux moved to approve the Consent Agenda as read with Keeling Company removed from the Consent Agenda for discussion. Alderman Kinion seconded the motion. Upon roll call the motion passed unanimously.

The following item was removed from the Consent Agenda for discussion:

Keeling Company: A resolution authorizing purchase of an additional two (2) irrigation wheels from Keeling Company in the amount of \$77,333.34, pursuant to Bid #11-71, for effluent irrigation to hay fields.

City Attorney Kit Williams stated we need a motion to amend the resolution to what the Mayor just read. This just added the sales tax.

Alderman Lewis moved to amend the resolution. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

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

Resolution 63-12 as recorded in the office of the City Clerk.

Unfinished Business:

Amend Chapter 151 Definition of "Family": An ordinance to amend the definition of "Family" found in Chapter 151 Definitions of the Unified Development Code to allow the City Council to authorize up to five (5) unrelated persons in some units of a Planned Zoning District. ***This ordinance was left on the First Reading at the February 7, 2012 City Council meeting. This ordinance was left on the Second Reading at the February 21, 2012 City Council meeting. This ordinance was left on the Third Reading and tabled at the March 6, 2012 City Council meeting. This item was removed from the table at the March 20, 2012 City Council meeting and placed on the April 3, 2012 City Council agenda.***

Alderman Petty: I do have some final comments but I want to wait until after the public has had a chance to speak before I give those.

Martin Bemberg, resident of 217 E. Lafayette addressed the occupancy ordinance that was passed several years ago. He spoke against the ordinance.

Cathy Short, Sang Valley Neighborhood Association representative stated I am completely against this. She spoke against the ordinance.

Walt Eilers, resident of 2044 West Archer Drive asked the Council to step back from the passage of this amendment and redefine the definition of family. He spoke about investors and

customers and the difference between the two. He asked the Council to consider the impact on the investor's property tax. He spoke against the ordinance.

Alderman Ferrell: When it comes to voters is there any delineation in an investor voter or a customer voter, or are they all voters.

Walt Eilers: They could all be voters but what I know for a fact is the people who live here and are registered to vote, that pay property tax, are the ones that get out and vote. You and I know that from the elections.

Alderman Ferrell: I was just wondering if there was a difference in them.

Walt Eilers: I don't see a difference in the voter, I see a difference in the level of commitment that the people have in the long term.

Donna Daniels, resident of Ward 4 expressed her concerns. She stated this ordinance is about the quality of life and it is not in the best interest in the quality of life of the residents of Ward 4 let alone the rest of Fayetteville. She spoke against the ordinance.

John Faucette, resident of 2104 W. Loren Circle pointed out various issues and questioned the enforcement procedures. He voiced his concern about street signs that he has seen that were down that need to be up. He also voiced his concern about problems he has seen in neighborhoods. He spoke about the Ward 4 meeting and the discussion that happened at that meeting. He also confirmed that the ordinance would go into effect in 30 days.

Alderman Ferrell: Would you agree that growth for a community overall is good?

John Faucette: Probably so in the overall community but I see more growth happening up north.

Alderman Ferrell: Have you complained to Code Compliance before about what is going on before this proposed amendment came about?

John Faucette: No.

Alderman Ferrell: If you happen to see any of those signs down, please let us know and the City will get them back up.

Alderman Gray asked for clarification on what took place at the Ward 4 meeting.

John Faucette: The Developer that is in charge of the Cleveland project was there.

Alderman Gray: He said he was bringing in how many units?

John Faucette: He said 220 units and a lot of people had a lot of questions.

Alderman Gray: Are those two bedroom units?

John Faucette: I don't know because he would not answer that question. I know it would be at least 220 vehicles because there would be 220 units. He would not answer anything higher than that. I have to think personally that he already knows.

Alderman Adams: There is a lot of green space around the University and some of it is zoned single family dwellings 4 houses per acre. Does that concern you at all about a development going in near you? I am specifically thinking about close to the University where by right a property owner can build four houses per acre without ever coming to us. Is that what is best in your mind? Do you prefer us to continue with the zoning in place without considering any other options? Is that what I am hearing you say?

John Faucette: That is probably correct. He explained the areas he was referring to and continued expressing his concerns.

Alan Long, resident of Waterman Woods stated my only concern was that this restriction would prevent a five bedroom duplex unit. He expressed his concerns with how the ordinance was written.

Alderman Petty: Your reading of the ordinance is incorrect when you said that it would require each unit that could allow up to five people be a single free standing unit.

Alan Long: That is not actually what I said. I was reading a direct quote from an email that was sent from John Acken to Rhonda Adams.

Alderman Petty: Then you probably shouldn't repeat it.

Alan Long: My point there was just to point it out.

Alderman Petty: I just want to point out that a duplex in this configuration would be possible.

James Butch Coger, resident of 2109 W. Loren Circle passed out a copy of the email that was sent to Rhonda Adams that Alan Long previously quoted and read it to the Council. He expressed his concerns and spoke against the ordinance.

Shirley Lucas, a Fayetteville resident stated she believes this is the first time an ordinance has been brought forward for one project. Enforcement is a problem because there is no way to prove that there is more than three. She expressed her concerns with the ordinance.

Alderman Kinion: You were on the City Council during the time when there was a great deal of development. You have also worked here when there was a considerable amount of PZD's that came through. This is specifically looking at a PZD. I am wondering if you can help explain the issue of why it is so critical even though it is a PZD process.

Shirley Lucas: The idea of a PZD was so that we would know what was going in there and the neighborhood would know what was going in there and that is why it was helpful. That seemed to me what a PZD was. That is what bothers me about five bedrooms in a PZD that allows five unrelated people.

Alderman Ferrell: Shirley, do you think that it would help if Code Compliance scheduled someone on a different shift or after hours?

Shirley Lucas: I don't know because would they have enough to do during that shift.

Paula Marinoni, a Fayetteville resident clarified that this ordinance is not being done for her personally. She spoke in favor of the ordinance.

Tim Kautzer, resident of 524 N. Sang Avenue expressed his concerns with the additional traffic this would bring. He spoke against the ordinance.

Steven Kay, resident of 2075 Archer stated I disagree with the five person rule. He spoke against the ordinance.

Candace Hoggatt, resident on the corner of Archer and Sang asked the Council to delay this decision for more consideration.

Alderman Petty thanked everyone who has participated in this in a civil manor. He stated I have done research and I would not propose that this be eliminated. He explained the research he had done and his findings.

Alderman Lewis explained the Ordinance Review Committee meeting discussion. She asked what is the metric that defines success of the ordinance.

Jeremy Pate: I think ultimately the metric is compliance. He explained past enforcement issues and how they were handled.

Alderman Lewis stated there is some kind of perception that people get tired of reporting the nuisance. She stated there is a need to really examine what the breakdown of communication is. She expressed her concerns with the ordinance and she recommended that it be tabled indefinitely and bring it back when we have a real plan for how we are dealing with all these new students.

Alderman Kinion stated I received numerous correspondence and no one generally supports this. He expressed his concerns with the ordinance and stated I do not think we are moving forward in a progressive nature. He stated we need to have standards, an understanding and a consensus. He also suggested that this be tabled indefinitely.

Alderman Boudreaux: Sarah, did you say that the Cleveland project could have five bedrooms?

Alderman Lewis: They are bringing forward a PZD so if this passes they would have an option.

Alderman Boudreaux: I keep going back to the fact that we have to approve a PZD. If this Council approves this then they will have ample opportunity to argue their points against the proposed project. At this point I have not heard anything that would change my mind about supporting this.

Alderman Gray stated I think we just need to work harder at enforcing and I think that is our responsibility as a City, I will be supporting this because I think it is the right thing for the City.

Alderman Adams stated I am not responsible for what other people write to my email inbox. She explained the reasons why she brought this ordinance forward. She stated I want to respect and represent all citizens that have something they need the government to look at.

Alderman Tennant stated what the ordinance means to me is that there can be control from the Planning Commission down to the City Council. I will support it.

Alderman Ferrell asked has anyone heard anything about any ideas of ingress or egress off of Maple for the proposed development.

Jeremy Pate: A portion of Maple abuts the Marinoni property but we have not seen any kind of plans for the development of that property.

Alderman Ferrell stated I have confidence that whatever comes forth will be heavily scrutinized by staff and Planning Commission before it comes to this body. In looking at the future, I will support this.

Mayor Jordan spoke on the Town Hall meeting that was held and discussed some of the comments that were received. He stated I have made contact with the Chancellor of the University and we are going to put some type of Town and Gown Committee together within the next month. As far as enforcement goes how many folks do we have to do Code Enforcement?

Don Marr stated we as staff would agree that enforcement is a challenge. He explained that there are currently three Code Enforcement Officers and he described their enforcement responsibilities throughout the city. Some of these things are just pure staffing requirements. We will be bringing you some ideas for staffing plans because this is a headcount issue to have the staff time to do the things that you are talking about. If you are going to hold staff accountable then you need to give us the head count to do it.

Alderman Lewis: I would certainly support ideas that would come from citizens and staff on tools that are needed to help you see where there is a nuisance and to measure a nuisance. What would help clarify what is a nuisance for people? Also we need ways to plan for more people in these areas. She stated that anything is worth discussion at a Council level.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-2. **Alderman Lewis and Kinion** voting no.

Ordinance 5490 as Recorded in the office of the City

RZN 12-4028 (1400 and 1500 Blocks of N. Desoto Pl./Abshier Heights): An ordinance rezoning that property described in rezoning petition RZN 12-4028, for approximately 2.18 acres, located at 1400 and 1500 Block of North Desoto Place (Track "A" of Abshier Heights) from R-PZD, Residential Planned Zoning District R-PZD 06-1883 to RSF-8, Residential Single-Family, 8 units per acre. ***This ordinance was left on the First Reading at the March 20, 2012 City Council meeting.***

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Andrew Garner, Senior Planner gave a brief description of the ordinance.

Alderman Lewis: RSF-8 falls under the form based code, is that right?

City Attorney Kit Williams: No.

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.

Alderman Lewis: Did you discuss form based code with the developer?

Andrew Garner: I can't recall if we discussed form based codes or not. We felt like their proposal was appropriate and we did not recommend another zoning district.

Alderman Adams: What are you looking for when you consider what is a good transition in a zoning issue like that?

Andrew Garner: It just depends on every neighborhood. We felt like a little bit higher density single family was appropriate in between these two uses.

City Attorney Kit Williams: Multi-family would have been appropriate too and that is what it was originally zoned for. So we are actually down zoning it to get it to residential single family.

Alderman Lewis: So the utilities are already in there.

Andrew Garner: Yes, the utilities and infrastructure has been installed.

Alderman Kinion: Has there been any comment from the neighborhood regarding this?

Andrew Garner: When it originally came through there was quite a bit of comment. With this proposal we only had a couple of inquiries and comments but they said they were not opposed to it.

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

Ordinance 5491 as Recorded in the office of the City

ADM 12-4029 (Abshier Heights R-PZD Modification No. 4): An ordinance amending a residential planned zoning district entitled R-PZD 06-1883, Abshier Heights, located at the northwest corner of Abshier Drive and Hillcrest Avenue, containing approximately 4.11 acres, to reflect revised architectural standards as described and depicted herein. *This ordinance was left on the First Reading at the March 20, 2012 City Council meeting.*

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

City Attorney Kit Williams read the ordinance.

Andrew Garner gave a brief description of the ordinance.

Aubrey Shepherd, a resident of 1101 S. Duncan Avenue spoke on behalf of the citizens who spoke on this proposed area back in 2006.

Alderman Boudreaux: Ms. Jones did not have any concerns about it going to brick. I would certainly respect that if it was a concern but I don't think it was.

Mayor Jordan: Did anyone speak against this project at Planning Commission?

City Attorney Kit Williams: Certainly not on this part of it. They were concerned about the density on the other one but no one was against the brick.

Alderman Lewis: I wanted to clarify if this says "and on the back" or "or on the back".

Andrew Garner: I think we were trying to say brick on the facade on the back of a development.

Alderman Lewis: I think it is fine. I just want to make sure that it is clear, when they are doing it, where the neighbors would like it to be.

Andrew Garner: I think the intent was simply to replace the stone with brick.

Alderman Lewis: I understand the intent. I just want it to say it so that they are held to it.

City Attorney Kit Williams: I think it is clear and if not Andrew can make sure that they understand what the intent of the Council is.

Alderman Gray 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.

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

Ordinance 5492 as Recorded in the office of the City

New Business:

Regional Urban Stormwater Education Program: An ordinance waiving the requirements of formal competitive bidding and approving a memorandum of Understanding with the MS4 Jurisdictions and the Northwest Arkansas Regional Planning Commission in the amount of \$45,969.00 for the Regional Urban Stormwater Education Program to be provided by the University of Arkansas Cooperative Extension Service to satisfy portions of the NPDES Phase II Stormwater Permit requirements.

City Attorney Kit Williams read the ordinance.

Chris Brown, City Engineer gave a brief description of the ordinance.

Aubrey Shepherd stated I am very much in favor of this but I just wish you guys would take this opportunity to let the public know more information about it.

Alderman Lewis: I think we need to expand this and get people out and demonstrate what it means to control stormwater.

Alderman Boudreaux 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 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 5493 as Recorded in the office of the City

RZN 12-4042 (1700 Old Wire Road/Cooper and Williams): An ordinance rezoning that property described in rezoning petition RZN 12-4042, for approximately 4.90 acres, located at 1700 Old Wire Road from RSF-4, Residential Single Family, 4 units per acre to NC, Neighborhood Conservation, subject to a Bill of Assurance.

City Attorney Kit Williams read the ordinance.

Andrew Garner gave a brief description of the ordinance. He stated this was heard at the Planning Commission meeting and we didn't have any public opposition.

Alderman Boudreaux: That concerns me since we had so much neighborhood interaction on the other one. I would certainly want to leave it on the second reading.

Tim Cooper, Project Architect stated there were no comments at Planning Commission at all and there are no issues like there was the first time. He described the project.

Alderman Boudreaux: So the reason you are going with the Neighborhood Conservation zoning is because you are going to have smaller lots.

Tim Cooper: That's right.

Alderman Boudreaux: Was there any public there or did they just not speak?

Andrew Garner: I did receive a couple of phone calls and emails inquiring about it and once we showed them what was being proposed I did not hear back from them.

Alderman Ferrell: The first time the other parcel came through it did deal with the streets and that is what brought so many people out.

Alderman Kinion: When we looked at that area, my understanding is that if we change the zoning it is going to pull it up more from the creek.

Tim Cooper: There is actually a utility easement that goes through there and there is a little bit of a flood plain that starts down at the corner. That whole area is not even usable so the houses can be pulled back.

Alderman Kinion: So there is going to be less excavation there with this zoning change because you will be bringing it up where it drops off into that flood plain.

Tim Cooper: Right.

Jackson Williams, also involved with the project showed where the homes would be on the map.

Alderman Kinion: You won't have to do a retention pond there because you have enough run-off on the property?

Tim Cooper: There will still be one on the property for sure.

Alderman Kinion: I am wondering about the velocity of the flow. I think this is probably better with the Neighborhood Conservation.

Alderman Ferrell 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.

This ordinance was left on the Second Reading.

Amend Chapter 161 (ADM 12-4085 Zoning Regulations/RMF-24 Setbacks): An ordinance to Amend §161.14 District RMF-24 by repealing the separate setbacks for multi-family structures built within the Hillside/Hilltop Overlay District.

City Attorney Kit Williams read the ordinance.

Andrew Garner gave a brief description of the ordinance.

Alderman Boudreaux: All RMF-24 zones have the same build to zones and side and rear sit backs?

Andrew Garner: The build to zone is just along the front.

City Attorney Kit Williams: The front is the only build to zone.

Alderman Boudreaux: So it hasn't changed the side or rear setbacks. You are allowing a reduced amount of front setback, which is a build to, and you have retained the same side and back setbacks, then you have increased the impervious surface that you have put on that lot right?

Andrew Garner: No. The requirement is still the same. You are just moving it forward.

Andrew Garner and City Attorney Kit Williams briefly explained the setbacks.

A discussion followed on various setback requirements.

Alderman Boudreaux: Is that something they can appeal if it is a problem?

Andrew Garner: I think it would be a rare where you would have a building sitting at the very back of a hillside lot. Typically your access is from the street in the front. He discussed the terms for granting a variance.

Alderman Lewis: The build to zone, there is a range.

City Attorney Kit Williams: 15 feet of give. Between 10 and 25 feet from the right of way.

Alderman Lewis: So they could put it anywhere in there with that in mind.

Aubrey Shepherd asked why are you limiting the architect placement on a lot. He stated this just does not seem necessary.

Alderman Kinion: Would this be a valid reason? You are actually having better preservation in the back of the lot so there is less variation in the natural terrain.

City Attorney Kit Williams: Explained that all land is different because there are different slopes. Sometimes one rule cannot fit all conditions. Sometimes the placement of the house is going to be controlled by the slope of the land.

Alderman Lewis: What would allow or encourage the developer to really take into consideration the existing slope of the land and the soil before putting that kind of work into the build to.

City Attorney Kit Williams: The original hillside/hilltop ordinance setback will reduce for that very purpose to encourage the builder to build closer to the street, but it would not require it.

Alderman Boudreaux: Did you say someone needed to build this way? Why was this brought forward?

Andrew Garner: In this case we feel like the HHOD and the form based zoning code work hand in hand. A build to zone is in line with HHOD so we did not need a separate requirement.

Alderman Boudreaux: So there is a required build to line in all the other zones?

Andrew Garner: Yes.

Alderman Boudreaux: So they have to build close to the street.

A discussion followed on what zones have build to lines.

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

City Attorney Kit Williams read the ordinance.

This ordinance was left on the Second Reading.

Kum & Go, L.C.: A resolution to grant the appeal of Kum & Go, L.C. and to amend and approve its large scale development to agree with the plat submitted with its appeal letter.

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

Erin Rushing also gave a brief description and stated we are looking for some kind of resolution to move this forward.

City Attorney Kit Williams: This would require along with the City a request from the State Highway Department for the use of stripes and reflectorized markers. They must attempt to do it and they are responsible to pay for it if it can get approved.

Aubrey Shepherd expressed his concerns with the safety.

Alderman Kinion: If the Highway Department says you can't have the striping and the lines then there is a left hand turn there with no restrictions. Is that correct?

City Attorney Kit Williams: There is a left hand in but not out.

Alderman Kinion: It's the left hand in that concerns me the most because of how close it is to Hill Street. It's hard for me to support an open ended document like that with safety. That is a real concern that I have witnessed.

Chris Brown: We are recommending a striping in place of the median. It is not guaranteed that the Highway Department will approve that but there are some other striping options that may not be the best option. I fully believe we can come up with a striping plan that the Highway Department will permit and that will increase the safety of the driveway.

Alderman Lewis: I would like to propose an amendment.

Erin Rushing: We want is to be able to work with staff as opposed to coming back to this body every time.

Alderman Lewis: I agree with that but I don't want to remove the condition and that is what this says.

City Attorney Kit Williams: If the Highway Department denies any striping at all then you want to see this back? Chris thinks he can work with Kum & Go and the Highway Department but if that fails, if we don't remove the condition at that point, then the Large Scale Development is not approved anymore. It has to come back again for another appeal.

Mayor Jordan clarified that they would have to look at this again if the Highway Department does not approve the median and the striping.

Alderman Lewis: I am not okay with removing the condition if they don't.

Erin Rushing: The developer and the owner are running short on the timing of getting this closed.

Alderman Gray: I would like to see us go on and trust that Chris is going to be able to make something happen. At some point in time we have to decide to let them go.

Don Marr explained the past recommendations. He stated we brought it to you this way, because it felt like at the last session that the majority of you probably would move forward and those of you that would not want to would make an amendment and you would have a vote and decide whether you were going to bring it back or not bring it back. We wrote this on the side of where we believed the majority of you stood at that point. Right now it is written not to come back. We did not want to go through a step if the majority of you were ultimately going to approve it with a three turn.

Alderman Boudreaux clarified what would happen if the Highway Department does not approve the striping.

Don Marr gave an explanation of what would happen.

A discussion followed.

Alderman Ferrell: We have been at this a long time. I wish there was more assurity but I like that Don and Chris feel pretty good that the State is going to work with us.

Alderman Adams: Does the State's recommendation not to do anything matter to us?

Don Marr: It is a State Highway and we are required their approval.

Alderman Adams: I guess what I am saying is doesn't it matter that they don't want to make that happen?

Don Marr: We don't know whether the State's final disposition on the striping is no. We know that the final disposition on the median is no.

Erin Rushing: The median issue is a maintenance issue. They did not want to maintain it. The striping may be a different deal.

Alderman Tennant: I think this company has been very good in waiting on us. We have done our job in making them do it the right way. Worse case scenario I still think this needs to go there and I am confident that we can make this happen in some way, shape or form. I would rather get this done and not have it come back weeks from now and start over.

Alderman Kinion: I am confident that the State is going to come through with this and it won't be back but I have to vote my conscience.

Alderman Lewis: Time does not take away all the risks that were brought up in the first place. I too would like to see the business go in there. Time and how long this has taken should not be a factor in whether or not we control the traffic in that area. Please consider that when voting on whether or not to amend this.

Alderman Adams: It is not only time that we are considering here. It is that we have spent time looking at all these alternatives. I believe we have done due diligence in trying to find alternatives and at some point we have to move forward.

Alderman Lewis moved to amend the resolution and remove the following: If the Arkansas State Highway and Transportation denies Kum & Go, L.C. the right to double stripe and or use raised reflectorized markers as recommended by the Fayetteville City Council, this condition of approval is removed from the Large Scale Development requirements and Kum & Go, L.C. can proceed with its project as shown by its Site Plan B. Alderman Kinion seconded the motion. Upon roll call the amendment failed 3-5. Alderman Lewis, Kinion and Petty voting yes. Alderman Gary, Boudreaux, Tennant, Ferrell and Adams voting no.

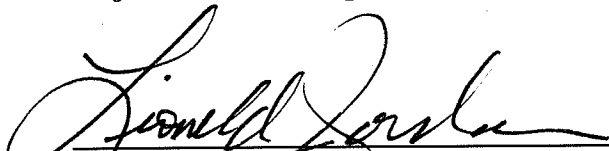
Alderman Petty: I don't think we have done our due diligence on this and I will not be able to support this action.

The Mayor asked shall the resolution pass. Upon roll call the resolution passed 5-3. Alderman Gray, Boudreaux, Tennant, Ferrell, and Adams voting yes. Alderman Lewis, Kinion, and Petty voting no.

Resolution 68-12 as recorded in the office of the City Clerk.

Announcements:

Adjournment: 9:55 p.m.


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

Nominating Committee Report

Meeting: Wednesday, March 14, 2012

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:

Civil Service Commission

- Michael Ferguson – One Term Ending 03/31/18

Housing Authority Board of Commissioners

- Jon Edwards – One Unexpired Term Ending 12/28/13