Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

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
August 4, 2009

A meeting of the Fayetteville City Council was held on August 4, 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, Lewis, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Petty and Lucas.

Alderman Gray arrived at 6:40 p.m.
Alderman Rhoads arrived at 6:55 p.m.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

Mayor Jordan announced that the position for Communications Director for the City of Fayetteville has been filled by Lindsley Smith.

Lindsley Smith, Communications Director stated I am excited to be here and I am looking forward to meeting with all of you to see how in my role I can help you.

Alderman Cook listed the current openings on the Fayetteville Boards and Committees.

Alderman Lewis announced "First Thursdays in Fayetteville" on the Fayetteville Square. She encouraged everyone to attend.

David Jurgens, Utilities Department Director announced that the City of Fayetteville received the Governor's 2009 Corporate Conservationist of the Year Award. He stated it is the first time in all the history of this award that a City has been nominated or selected. The award is for the Woolsey Wet Prairie Mitigation site that was developed as a part of WSIP.

Don Marr, Chief of Staff: A part of the Fayetteville Forward Summit, an action item of the Council voted on as a priority, was to outsource economic development opportunities and issue a City RFP for services. That was done last Thursday so the City is currently in the open bid process of taking responses for that. Don encouraged all entities interested to respond to the RFP.

Presentations, Reports and Discussion Items:

First Thursday Fayetteville – Art, Theatre, Film, and Music on the Square Thursday, August 6, 2009 - Events start at 5:00 p.m.

Consent:

Approval of the July 7, 2009 and the July 21, 2009 City Council meeting minutes.

Approved

Bid # 09-46 Oil Capital Electric: A resolution awarding Bid # 09-46 and approving a contract with Oil Capital Electric in the amount of $27,750.00 for replacement of an electrical buss at the Noland Wastewater Treatment Plant; and approving a contingency in the amount of $2,775.00.

Resolution 163-09 as Recorded in the office of the City Clerk.

Bid # 09-49 North Point Ford Lincoln Mercury: A resolution awarding Bid # 09-49 and approving the purchase of one (1) extended cab truck from North Point Ford Lincoln Mercury of North Little Rock in the amount of $22,618.28 for use by the Fayetteville Police Department.

Resolution 164-09 as Recorded in the office of the City Clerk.

Mutual Aid Police Protection Agreement: A resolution approving a Mutual Aid Police Protection Agreement between the City of Fayetteville, Arkansas and the City of Rogers, Arkansas.

Resolution 165-09 as Recorded in the office of the City Clerk.

Bryce Davis Park Outdoor Recreation Grant: A resolution authorizing the Mayor to apply for an Arkansas Parks and Tourism Outdoor Recreation Grant in the amount of $250,000.00 for the development of Bryce Davis Park.

Resolution 166-09 as Recorded in the office of the City Clerk.

Arkansas Historic Preservation Grant: A resolution approving a grant agreement with the Arkansas Historic Preservation Program in the amount of $5,500.00 for travel and training expenses and publication of educational materials in support of the Fayetteville Historic District Commission; and approving a budget adjustment recognizing the grant revenue.

Resolution 167-09 as Recorded in the office of the City Clerk.

U.S. Marshal Service Reimbursement: A resolution approving a budget adjustment for the Fayetteville Police Department in an amount not to exceed $25,000.00 to recognize reimbursement from the U.S. Marshal Service to cover detective overtime expenses.

Resolution 168-09 as Recorded in the office of the City Clerk.

City Employee Benefits for 2010: A resolution approving renewal of Blue Cross/Blue Shield Health Insurance, Delta Dental Insurance, Reliance Standard City Paid Life Insurance and Reliance Standard City Paid Long Term Disability Insurance; adopting staff recommendations for apportionment of costs for the renewed products; approving the selection of a new employee paid life insurance carrier; approving adding an employee paid long term care product to employee benefits offerings; and approving the status quo continuation of all other benefits offerings and benefits administrative services.

Resolution 169-09 as Recorded in the office of the City Clerk.

ADM 09-3384 (812 W. Cleveland Street ROW Variance): A resolution approving a variance of the Unified Development Code Section 164.12 (F) Nonconforming Uses and Structures, Repairs and Maintenance, and Section 166.18 Master Street Plan Setbacks, allowing the existing structure located at 812 W. Cleveland Street to remain within the Master Street Plan right-of-way and to be improved greater than the 10% replacement cost allowed by code, within the existing limits of the structure.

Resolution 170-09 as Recorded in the office of the City Clerk.

Alderman Cook moved to approve the Consent Agenda as read. Alderman Thiel seconded the motion. Upon roll call the motion passed 5-0. Mayor Jordan voted yes to approve the Consent Agenda. Alderman Gray and Rhoads were absent during the vote. Alderman Petty and Lucas were absent.

Unfinished Business:

Wastewater Collection and Treatment Services Amendment: A resolution approving an amendment to the Wastewater Collection and Treatment Services Contract with the City of Farmington, Arkansas. ***This resolution was tabled at the July 21, 2009 City Council meeting to the August 4, 2009 City Council meeting.***

David Jurgens, Utilities Director gave a brief description of the amendment. He stated this brings the current agreement up to date.

Alderman Cook: The Water and Sewer Committee looked over this and no one had any negative comments. This is really just bringing us up to speed with where we are now compared to when we made our original agreement with Farmington.

Alderman Ferrell: It's basically just a continuation of that process isn't it?

Alderman Cook: It is, it brings the impact fees up to where it needs to be and also distributes the collection from the lift station work we did out there. The multiple points of connection is a little different.

David Jurgens: The relations between the two cities through this whole process have been outstanding.

Alderman Cook moved to approve the resolution. Alderman Ferrell seconded the motion. Upon roll call the resolution passed 5-0. Mayor Jordan voted yes to approve the Resolution. Alderman Gray and Rhoads were absent during the vote. Alderman Petty and Lucas were absent.

Resolution 171-09 as Recorded in the office of the City Clerk.

New Business:

Amend Chapter 111: An ordinance to amend §111.30 of the Code of Fayetteville related to caterers serving a large meeting or attendance facility.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: I brought this through because of the extensive changes that the State Legislature made in the last session.

Mayor Jordan: We will leave it on the first reading of the ordinance.

This ordinance was passed at the end of the meeting when additional Aldermen arrived at the meeting.

ADM 09-3332 (Urban Residential Design Standards): An ordinance amending the Unified Development Code of the City of Fayetteville, to amend Chapter 161: Zoning Regulations, and 166 Development, to amend certain building form and placement standards for urban residential development.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Development Services Department Director gave a brief summary of the Code change.

Alderman Thiel: We recently had a developer that incurred a problem on the construction aspect of such a reduced setback in front. Do you see problems like this? We live in a hilly terrain and there is a lot of development on slopes and hillsides and I wonder if this is not going to incur some problems with sidewalks and other things.

Jeremy Pate: The clarification that needs to be made is that usually the swells, sidewalk, and curb and gutter are located within the right of way which is separate from the building setback area so there is a difference there. This building setback in hilly terrain, we would hope that the developer would recognize that and place the building closer to the street. We are reviewing all of those details at the time that it comes through the planning process.

Alderman Lewis: I think it is a good idea. I was wondering if you can think of another example in Fayetteville.

Jeremy Pate: The primary example is that someone had to request a PZD to get this in the past. We are trying to build this into the Code so that applicants do not have to be unique. We are trying to establish a standard that allows that flexibility in design but also produces a result that citizens and the Council can come to expect when a zoning district is proposed.

This ordinance was passed at the end of the meeting when additional Aldermen arrived at the meeting.

ADM 09-3366 (Abshier Heights Amendment No. 3): An ordinance amending a Residential Planned Zoning District entitled R-PZD 06-1883, Abshier Heights, located at the NW corner of Abshier Drive and Hillcrest Avenue, containing approximately 4.11 acres, to reflect revised lot width, lot area and internal setback requirements as described and depicted herein.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief summary of the amendment. Jeremy stated this proposal changes the way units can be occupied and sold.

Alderman Thiel asked if the Council could take a recess until some additional Council members arrive.

Mayor Jordan recessed the meeting.

Mayor Jordan called the meeting back to order.

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Cook seconded the motion. Upon roll call the motion passed 6-0. Mayor Jordan voted yes

to move to the second reading. Alderman Rhoads was absent during the vote. Alderman Petty and Lucas were 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 6-0. Mayor Jordan voted yes to move to the third reading. Alderman Rhoads was absent during the vote. Alderman Petty and Lucas were absent.

City Attorney Kit Williams read the ordinance.

Alderman Lewis: It sounds like a good opportunity for people to own their own home.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-0. Alderman Rhoads was absent during the vote. Alderman Lucas and Petty were absent.

Ordinance 5263 as Recorded in the office of the City Clerk.

ADM 09-3386 (Amberwood R-PZD Amendment No. 1): An ordinance amending a Residential Planned Zoning District entitled R-PZD 08-2965, Amberwood, located south and east of Double Springs Road and Dot Tipton Road, containing approximately 40 acres, to reflect revised alignment of private drive number 8, revised planning area boundaries, and a modified rear building setback.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief summary of the amendment. He stated staff is recommending approval.

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Cook seconded the motion. Upon roll call the motion passed 6-0. Mayor Jordan voted yes to move to the second reading. Alderman Rhoads was absent during the vote. Alderman Petty and Lucas were 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 6-0. Mayor Jordan voted yes to move to the third reading. Alderman Rhoads was absent during the vote. Alderman Petty and Lucas were absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-0. Alderman Rhoads was absent during the vote. Alderman Lucas and Petty were absent.

Ordinance 5264 as Recorded in the office of the City Clerk.

ADM 09-3390 (Amberwood R-PZD Amendment No. 2): An ordinance amending a Residential Planned Zoning District entitled R-PZD 08-2965, Amberwood, located south and east of Double Springs Road and Dot Tipton Road, containing approximately 40 acres, to modify condition of approval No. 1, Street Improvements.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief summary of the amendment. He stated staff is recommending approval.

Alderman Thiel: A section of this is going to have the gutter done before the City does the construction of the road. The $150,000 will be contributed before the City does anything?

Jeremy Pate: Regarding the $150,000 that is correct. Prior to us doing any work out there we would have to receive that contribution and process that contribution before we pave the street. In terms of the timing of asphalt or curb and guttering going in first that is something our Transportation Director would work out with the developer to see which one makes the most economic sense to do first and be the most efficient for the City and the developer.

Alderman Lewis: Is alternative storm water drainage being considered and how is that tying in?

Jeremy Pate: The reference to the green space lots they essentially will help to convey some of the storm water in a different manner than we are accustomed. The drainage from the curb and gutter and Dot Tipton Road would likely be placed within those areas. Some of the streets within this development do not have curb and gutter to allow drainage to ditches and bioswells along this area. That is something we will have to review to ensure it does not create an erosion problem.

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Cook seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty and Lucas were absent.

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 6-0. Alderman Petty and Lucas were absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Lucas and Petty were absent.

Ordinance 5265 as Recorded in the office of the City Clerk.

Medians in Garland Avenue: A resolution reaffirming the City Council's support for medians in Garland Avenue.

Mayor Jordan stated this is something Matthew Petty asked me to bring forward. He gave a brief history of the Garland Avenue road project. He stated you can move the project to a different phase but you can not move the money. .

Don Marr, Chief of Staff read an email from Matthew Petty. In his email Alderman Petty stated this is the right plan. In the email Alderman Petty thanked the Mayor and City Engineer Chris Brown for their work on the project.

Alderman Ferrell: What you are going to suggest to the Highway Department is no intermittent medians, just continuous medians?

Mayor Jordan: When we say continuous medians that does not necessarily mean a continuous median. A continuous median is like Highway 265 but it has certain breaks in it. Each one of the breaks is where turns are going to be made so that we have access management.

Don Marr: The Highway Department's terminology of continuous medians speaks to a limited number of breaks in the median within a certain distance. Never at any time were the discussions of a continuous median to be a median from the start of the project to the end of the project with no breaks. Under the States definition you would look at a break at a quarter mile basis. The intermittent medians are medians that allow more frequent breaks than that quarter mile distance.

Alderman Ferrell: We don't want to be in jeopardy of losing the matching funds so I support you going down there and doing this.

Mayor Jordan: Keep in mind that the median now is wider.

City Attorney Kit Williams: I think our City Engineer prepared a plan. To make it more clear to the State and also the Highway Department you might want to add at the end of Section 1 *as shown on Exhibit "B" attached hereto* to show that this is the plan that in fact has been recommended by the City Council.

Alderman Lewis moved to amend the resolution to add in Section 1 *as shown on Exhibit "B" attached hereto.* Alderman Ferrell seconded the motion. Upon roll call the motion to amend passed 6-0. Alderman Lucas and Petty were absent.

Jeremy Pate explained the median for further clarification for the citizens watching at home.

Alderman Cook: After we saw the model from the Highway Department a three lane cross section was not going to be adequate. If we are going to spend the money now we might as well spend it right. If we are going to widen it I want to give that neighborhood and the City as good a street as we can. I think the 83 foot section with the three foot green space between the sidewalk and the curb and the nine foot median with the trees in it will give a good street and will certainly serve us well into the future.

Glen David Wilson, property owner near North Garland stated I wondered if it would be possible to minimize that median or eliminate it so there would be no medians all the way from North Street to Holly Street.

Alderman Thiel: The Street Department has discussed this issue with Glen David and our consensus was that we make the breaks where it was recommended by the Engineering Department, not a continuous break.

Mayor Jordan: When we present this plan the State is going to come back with their recommendation and then they are going to have another public meeting.

Glen David Wilson: My concern is that the public have easy access to both parts drafted.

Terry Falon, with Maxwell asked if there is any idea of when Phase I construction would start.

Mayor Jordan: I got a letter from the Highway Department and they did not think they could start the project until 2010.

Terry Falon: You said 2010.

Mayor Jordan: I think that is what they said.

Terry Falon: What is the Engineer's estimate on the current plan and how long will that take to construct?

Jeremy Pate: To be honest I don't know that we have gotten to that amount of detail yet. If you look at the plans they are very conceptual in nature.

Terry Falon: Once that is done how long would it take before Phase II takes it from Janice to I-540?

Mayor Jordan: I don't have a good answer for you.

Terry Falon: The way the plans are displayed on the proposal that you are going to take to the State are they subject to movement?

Mayor Jordan: There will be another public meeting and the State will come back. They are going to look this plan over and make their recommendations. Then it will come here and we will have public comment.

Don Marr: The breaks that are shown on the current map are the breaks planned to be discussed in Little Rock.

Terry Falon: It does include sidewalks and bike lanes on both sides?

Mayor Jordan: Yes.

Susan Dewer, resident of Mt. Comfort Road expressed her concerns on the effects this would have on pedestrians. She asked where the pedestrian crossings were going to be.

Jeremy Pate: There are a couple of bus stop areas and that is one. What we would like to do is concentrate those crossings more in specific areas as opposed to everyone just crossing as they choose.

Susan Dewer: Will the pedestrian crossings have a light to allow people who are slow to get across all the lanes?

Mayor Jordan: It takes about 16 seconds to cross a road and that is why we want the medians there. People can cross to the medians in about eight seconds and have a place to stand as the cars go by and clear.

Susan Dewer: Hopefully there will be a safe crossing place for North Street as well.

Robert McKay, a resident of 1207 North Maxwell stated one entrance to Maxwell would be blocked due to the median. He stated there are 44 households in that neighborhood with one way in and out. That should be considered.

Mayor Jordan: It is going to have some breaks in it if you have looked at the plans.

Robert McKay: I would like to be able to turn left.

Alderman Cook: The State is going to be designing this road. They will bring it back and there will be a public process. What we are taking to the State now is just a concept of what we want to see.

Alderman Thiel moved to approve the resolution. Alderman Gray seconded the motion. Upon roll call the resolution passed 6-0. Alderman Petty and Lucas were absent.

Resolution 172-09 as Recorded in the office of the City Clerk.

Alderman Ferrell moved to place the following two ordinances back before the Council because they now had enough members of the City Council present to suspend the rules and go to the second and third readings. Due to the lack of sufficient City Council members present, they had been left on the first reading: Amend Chapter 111 and ADM 09-3332 (Urban Residential Design Standards). Alderman Cook seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty and Lucas were absent.

Amend Chapter 111: An ordinance to amend §111.30 of the Code of Fayetteville related to caterers serving a large meeting or attendance facility.

Alderman Thiel moved to suspend the rules and go to the second reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty and Lucas were absent.

City Attorney Kit Williams read the ordinance.

Alderman Ferrell moved to suspend the rules and go to the third and final reading. Alderman Lewis seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty and Lucas were absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Lucas and Petty were absent.

Ordinance 5261 as Recorded in the office of the City Clerk.

ADM 09-3332 (Urban Residential Design Standards): An ordinance amending the Unified Development Code of the City of Fayetteville, to amend Chapter 161: Zoning Regulations, and 166 Development, to amend certain building form and placement standards for urban residential development.

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Cook seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty and Lucas were absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked Jeremy Pate to give a brief overview for the two Aldermen that were not present during the previous discussion.

Jeremy Pate gave a brief description of the item.

Alderman Ferrell: I think you have put a lot of work into this and done a great job. This will serve everyone very well.

Jeremy Pate: I will tell our staff, thank you very much.

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Thiel seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty and Lucas were absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Lucas and Petty were absent.

Ordinance 5262 as Recorded in the office of the City Clerk.

Agenda Additions:

Announcements:

The meeting adjourned at 7:40 PM

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer