

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra E. Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Sarah Marsh
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Martin W. Schoppmeyer, Jr.
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Alan T. Long

**City of Fayetteville Arkansas
City Council Meeting Minutes
February 05, 2014**

(This meeting was rescheduled from Tuesday, February 04, 2014 to a Special City Council meeting on Wednesday, February 5, 2014 due to inclement weather conditions)

A meeting of the Fayetteville City Council was held on February 05, 2014 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 Sarah Marsh, Mark Kinion, Matthew Petty, Justin Tennant, Martin Schoppmeyer, Rhonda Adams, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Adella Gray

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Mayor Jordan: We have a very exciting announcement. I want Chief Dayringer to share with the Council and citizens our ISO rating.

David Dayringer, Fire Chief: We are excited and in celebration of the ISO rating we got that jumped from a four to a two. We were rated back in the late 1990's and we have been a four since 1998. We have been recently rated, which turned into a two year process and we have been awarded a two. What that means to the property owners of Fayetteville is that their insurance premiums could be reduced by the insurance companies. The insurance services office is the leading source of information about insurance risk. It gages fire protection capability of local fire departments, collects information on the community's public fire protection and analyses the

data using a fire suppression rating schedule. It assigns a rating from one to ten, class one being the best protection class and class ten being no protection.

To improve the ISO rating, the Fayetteville Fire Department worked with the Water, Telecommunications and Police Departments and upgraded the dispatch system, utilities and made many water supply improvements. The City of Fayetteville has built three fire stations since then and added fire fighters. We have increased the number of fire hydrants, instituted a fire hydrant inspection program, replaced water mains and added a water tower. We have added a Fire Marshal's office and three Fire Marshals who educate, conduct inspections, investigate arson and enforces the code that City Council adopts. The City of Fayetteville's public protection classification of two becomes effective June 1, 2014. The ISO is the leading supplier of data and analytics for the property casualty insurance industry. Most insurers use the public protection classifications for underwriting and calculating premiums for residential, commercial and industrial properties. The improved rating recognizes the City's effort to provide exceptional fire safety services and it is hopeful that the class two ISO rating will lower insurance premiums for its residents and businesses. This is a very exciting and tangible benefit for our citizens and community.

Mayor Jordan: Thank you Chief. That is a tremendous accomplishment. We have had a continued increase in our number of calls for fire service which amounts to a 54% increase from 2003 through 2013. The Fayetteville Fire Department is handling close to 3,000 more calls each year and they managed to cut our ISO rating in half.

City Council Meeting Presentations, Reports and Discussion Items: None

Agenda Additions:

Alderman Adams moved to add the following item to the City Council agenda. Alderman Tennant seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

David Clark McClinton Settlement Agreement: A resolution to approve a settlement agreement with David Clark McClinton concerning condemnation litigation filed as part of the Van Ashe Drive construction project in the total amount of \$1,420.00.

Chris Brown, City Engineer gave a brief description of the resolution. Staff is recommending approval.

City Attorney Kit Williams: I recommend approval. This would leave only a single condemnation still pending. I want to thank the Engineering staff because we only had to file two condemnations for the entire project. We also got some of the right-of-way dedicated without having payments.

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

Resolution 22-14 as recorded in the office of the City Clerk

Consent:

Approval of the January 21, 2014 City Council meeting minutes.

Approved

Bid #14-12 Hanson Pipe & Precast and Scurlock Industries: A resolution to award Bid #14-12 to Hanson Pipe & Precast and Scurlock Industries authorizing the purchase of drainage pipe for varying unit prices and authorizing the use of other bidders based on price and availability as needed through the end of calendar year 2014.

Resolution 23-14 as recorded in the office of the City Clerk

George Nunnally Chevrolet of Bentonville: A resolution to authorize the purchase of one (1) Chevrolet Equinox at the same price as the state procurement contract, in the amount of \$21,699.00, from George Nunnally Chevrolet of Bentonville for use by the Wastewater Treatment Plant, and approving a budget adjustment in the amount of \$21,699.00.

Resolution 24-14 as recorded in the office of the City Clerk

Caldwell Toyota of Conway: A resolution to authorize the purchase of one (1) 2014 Toyota Camry Hybrid from Caldwell Toyota of Conway in the amount of \$25,498.00 for use by the Fayetteville Police Department, and approving a budget adjustment in the amount of \$25,498.00.

Resolution 25-14 as recorded in the office of the City Clerk

North Point Ford of North Little Rock: A resolution to authorize the purchase of two (2) Ford F-150 2x4 pickup trucks from North Point Ford of North Little Rock in the amount of \$34,128.00, pursuant to a state procurement contract, for use by the Solid Waste and Transportation Divisions.

Resolution 26-14 as recorded in the office of the City Clerk

Landers Toyota of Little Rock: A resolution to authorize the purchase of three (3) Toyota Tacoma pickup trucks from Landers Toyota of Little Rock in the amount of \$76,585.00, pursuant to a state procurement contract, for use by the Meter and Transportation Divisions.

Resolution 27-14 as recorded in the office of the City Clerk

Bid #13-55 S.M.I.L.E.S of Fort Smith: A resolution to award Section C and Section F of Bid #13-55 and authorizing the purchase of light bars and cameras from S.M.I.L.E.S. of Fort Smith in the amount of \$22,726.00 for the upfitting of Police Department vehicles.

Resolution 28-14 as recorded in the office of the City Clerk

Animal Services Donation Revenue: A resolution to approve a budget adjustment in the total amount of \$35,287.00 representing donation revenue to Animal Services for the third and fourth quarters of 2013.

Resolution 29-14 as recorded in the office of the City Clerk

Fayetteville District Court Technology Upgrades: A resolution approving a budget adjustment for the Fayetteville District Court in the amount of \$20,000.00 to recognize revenue from the Court Automation Fund for the purchase of technology upgrades including computer monitors, hard drives, printers and wireless components.

Resolution 30-14 as recorded in the office of the City Clerk

Bid #13-58 ARCO Excavation & Paving, Inc.: A resolution to award Bid #13-58 and authorizing a contract with ARCO Excavation & Paving, Inc. for the construction of the Town Branch Trail in the amount of \$779,645.25, and approving a contract contingency in the amount of \$93,557.43.

Resolution 31-14 as recorded in the office of the City Clerk

Gordon Long Park: A resolution expressing the willingness of the City of Fayetteville to utilize federal-aid funds for the design of restrooms and expanded parking at Gordon Long Park, and to approve a budget adjustment in the amount of \$22,314.00.

Resolution 32-14 as recorded in the office of the City Clerk

Alderman Marsh moved to approve the Consent Agenda as read. **Alderman Long** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Gray** was absent.

Unfinished Business:

RZN 13-4538 (Razorback Road/Victory Commons): An ordinance rezoning that property described in rezoning petition RZN 13-4538, for approximately 5.09 acres, located at 731 S. Razorback Road from I-1, Heavy Commercial and Light Industrial, to UT, Urban Thoroughfare. ***This ordinance was left on the First Reading at the December 17, 2013 City Council meeting. This ordinance was left on the Second Reading at the January 7, 2014 City Council meeting and Tabled to the February 4, 2014 City Council meeting.***

Jeremy Pate, Director of Development Services: The applicant would like to table this for another two weeks.

Alderman Adams moved to table the ordinance to the February 18, 2014 City Council meeting. **Alderman Tennant** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Gray** was absent.

This ordinance was left on the Second Reading at the February 5, 2014 City Council meeting and Tabled to the February 18, 2014 City Council meeting.

New Business:

New World Systems: An ordinance to waive competitive bidding and to approve a three year contract with New World Systems for Public Safety Software Maintenance in the total amount of \$341,760.00 payable over three years.

City Attorney Kit Williams read the ordinance.

Greg Tabor, Chief of Police gave a brief description of the ordinance.

Alderman Long moved to suspend the rules and go to the second reading. Alderman Tennant seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5655 as Recorded in the office of the City Clerk

RZN 13-4571 (Northwest Corner of W. Wedington Drive and N. Golf Club Drive/Wedington): An ordinance rezoning that property described in rezoning petition RZN 13-4571, for approximately 11.30 acres, located at the northwest corner of West Wedington Drive and North Golf Club Drive from R-A, Residential Agricultural and RSF-1, Residential Single-Family, 1 unit per acre to UT, Urban Thoroughfare

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission recommended approval 7-0. Staff is also recommending approval.

Alderman Adams: I get asked quite often as to where we are with the Wedington Master Plan. We don't just go out and rezone things along the Wedington Plan, but you are now bringing

some things to us that you and your staff feel are appropriate. It's not a mandated change, but just recommendations based on your findings?

Jeremy Pate: Right. Each Neighborhood Master Plan that we have conducted is a little bit different. Starting with the Downtown and Walker Park, both of those were both traditional neighborhoods developed around the heart of the city. Fayette Junction reached out to a little bit more historic neighborhoods, but also some areas that did not have a lot of development. This is probably the newest area that we have seen with any of our Master Plans. What we do with those is through a public process. We identify the policies and the form of development that the citizens would like to see in that area as it continues to grow. The city does not act as developer, we do develop some, but not a lot. Mostly it is the private development sector. In order for us to help implement that vision, rezoning is one of the tools that we have to enable us to do so.

When a developer comes to the table with a project, they can see what citizens in that area envisioned and our zoning districts then align with that. That is not the case currently. A lot of the zoning districts we have in west Fayetteville, Wedington in particular, do not align with the vision and so that's what we are going through step by step to identify those critical parcels. Not every parcel in the entire plan, but critical parcels we feel that will maintain the integrity and spirit of the plan to implement it.

Alderman Tennant moved to suspend the rules and go to the second reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan: What are the Council members from Ward 4 thinking?

Alderman Long: I have had no citizen input on this. I don't think there is a lot of concern out there against it.

Alderman Adams: I have not heard anything negative. I think this is a good change that fits the plan very well.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5656 as Recorded in the office of the City Clerk

RZN 13-4572 (Northwest Corner of W. Wedington Drive and N. Ruppel Road/Wedington Neighborhood Plan Zone): An ordinance rezoning that property described in rezoning petition RZN 13-4572, for approximately 5.65 acres, located at the northwest corner of West Wedington Drive and North Ruppel Road from R-O, Residential-Office, C-1, Neighborhood Commercial, and C-2, Thoroughfare Commercial, to CS, Community Services.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission recommended approval 7-0. Staff is also recommending approval.

Alderman Adams: Would you please talk a little bit about Community Services and how we got to that zoning.

Jeremy Pate: Community Services is one of our form based codes that we created a few years ago. Particularly at this site, if you look in your agenda it shows what the community envisioned. One of the options we had there at the corner is definitely more of an urban form. As one approaches an intersection they generally slow down and this becomes a much more pedestrian friendly area. As the heart of that neighborhood we felt Community Services would best fit in terms of the uses. I use the analogy of walking along a sidewalk beside a large parking lot, it is definitely not the same as walking along a sidewalk beside an urban building. It could be the exact same business, but an entirely different experience. The latter experience is what we are trying to accomplish with this plan.

Alderman Adams: Thank you. We did hear a lot of residents in the Wedington Corridor study talk about the fact that it is flat and a nice place to ride bikes and walk. It doesn't feel safe or comfortable because of the fast traffic and the vast waste lands between the sidewalk and the business you might be going to. I am happy to see you work this out and bring this forward.

Alderman Adams moved to suspend the rules and go to the second reading. Alderman Tennant seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5657 as Recorded in the office of the City Clerk

RZN 13-4573 (825 S. Stonebridge Road/Hammans): An ordinance rezoning that property described in rezoning petition RZN 13-4573, for approximately 0.84 acres, located at 825 South Stonebridge Road from R-A, Residential Agricultural, to NS, Neighborhood Services.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission recommended approval 7-0. Staff is also recommending approval.

Alderman Tennant moved to suspend the rules and go to the second reading. **Alderman Long** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Gray** was absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5658 as Recorded in the office of the City Clerk

RZN 13-4578 (6316 W. Wedington Drive/Morlan): An ordinance rezoning that property described in rezoning petition RZN 13-4578, for approximately 0.87 acres, located at 6316 West Wedington Drive from R-A, Residential Agricultural, to RSF-4, Residential Single-Family, 4 units per acre.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission recommended approval 7-0.

Alderman Adams: It is 0.87 acres and there is one home on it. If we rezone to four units per acre, they can put one more on it within the zoning, they can put two on the 0.87?

Jeremy Pate: You might get three, but it would depend on the frontage. I believe the intent is to split it one time and continue maintaining a house and some acreage and also to build another house adjacent to it.

City Attorney Kit Williams: Keep in mind that this was annexed in and the policy of the city is we always annex in property and zone it R-A originally. They had to come to us to get it

rezoned, but it hasn't been used as agricultural land for a very long time. It is single family type land and that is why I think the Planning Commission voted to recommend this approval.

Alderman Petty: I noticed in Mr. Morlan's letter he stated the reason for RSF-4 is because it was the only zoning that would allow him to split the lot. Wouldn't Neighborhood Conservation or Neighborhood Services allow that lot split?

Jeremy Pate: Either one of those would allow for the single family use and would bring it into compliance.

Alderman Long moved to suspend the rules and go to the second reading. Alderman Adams seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Alderman Adams moved to suspend the rules and go to the third and final reading. Alderman Tennant seconded the motion. Upon roll call the motion passed 6-0. Alderman Gray was absent. Alderman Kinion was absent during the vote.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-1. Alderman Tennant, Schoppmeyer, Adams, Long and Marsh voting yes. Alderman Petty voting no. Alderman Gray was absent. Alderman Kinion was absent during the vote.

Ordinance 5659 as Recorded in the office of the City Clerk

VAC 13-4567 (1851 E. Huntsville Road/Kum and Go): An ordinance approving VAC 13-4567 submitted by CEI Engineering for property located at 1851 East Huntsville Road to vacate water/sewer easement, a total of 7,193 square feet.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission recommended in favor of the request and all utility companies have signed off.

Alderman Petty moved to suspend the rules and go to the second reading. Alderman Tennant seconded the motion. Upon roll call the motion passed 6-0. Alderman Gray was absent. Alderman Kinion was absent during the vote.

City Attorney Kit Williams read the ordinance.

Alderman Tennant moved to suspend the rules and go to the third and final reading. Alderman Petty seconded the motion. Upon roll call the motion passed 6-0. Alderman Gray was absent. Alderman Kinion was absent during the vote.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Gray was absent. Alderman Kinion was absent during the vote.

Ordinance 5660 as Recorded in the office of the City Clerk

VAC 13-4587 (1285 E. Millsap Road/Christian Life Cathedral): An ordinance approving VAC 13-4587 submitted by Jorgensen and Associates for property located at 1285 East Millsap Road, to vacate unconstructed right-of-way for Millsap Road, a total of 1.58 acres.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is recommending approval. Planning Commission recommended in favor of the request 7-0.

Alderman Tennant moved to suspend the rules and go to the second reading. Alderman Schoppmeyer seconded the motion. Upon roll call the motion passed 6-0. Alderman Gray was absent. Alderman Kinion was absent during the vote.

City Attorney Kit Williams read the ordinance.

Alderman Tennant moved to suspend the rules and go to the third and final reading. Alderman Adams seconded the motion. Upon roll call the motion passed 6-0. Alderman Gray was absent. Alderman Kinion was absent during the vote.

City Attorney Kit Williams read the ordinance.

Alderman Tennant: I strongly encourage us to always look for ways to improve our east-west connectivity. This is something I hear constantly from the people on the east side of Fayetteville.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Gray was absent. Alderman Kinion was absent during the vote.

Ordinance 5661 as Recorded in the office of the City Clerk

City Council Agenda Session Presentations:

Spring Street Municipal Parking Deck discussion – Jeremy Pate

City Council Tour: None

Announcements:

Don Marr, Chief of Staff: There have been a lot of questions due to the weather that relates to trash service pickup. Service was unable to be done on Monday and Tuesday. We started back limited service today. We ask that trash and recycling be put at the curb and as we are able to service roads, we are picking it up. We did some limited services today. We did all commercial service today because our main roads are primarily clear. If we don't get to all the residential households by close of business time on Saturday, we will pick up any extra bag charges for those residents equivalent to the number of bags that could be held by the containers that they have.

We have had questions about city staff cleaning a trail. The answer given was that we had direction from the Council to make sure we clean our primary trails as a means of alternative transportation. The Equipment Committee authorized the purchase of trail cleaning equipment which we utilize. Our head count to working on streets versus our head count on trails is about 15 to 1. We have many more road mileage than we have trail mileage. We have much more staff assigned to our street cleaning than we do our trail cleaning. We do have citizens that utilize our trails for biking and walking to work in commercial centers.

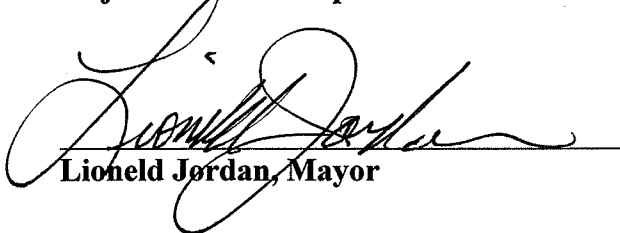
We continue to be on a 24/7, three shifts working on our roads. We have been since this started. Prior to Sunday we did pre-treat about 200 miles of city streets which made a difference.

This is an unusual winter and we want to thank all of the citizens who have made very positive comments to our staff that have been working hard. We want to remind citizens that we always have essential staff working such as police, fire, roads and trail cleaning crews. We utilize all staff available where we have equipment that can be utilized at that time.

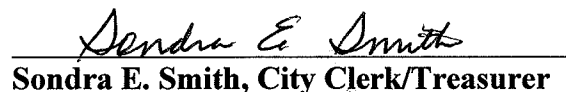
Alderman Marsh: I would like to encourage residents to shovel the sidewalks in front of their homes and businesses. This will help keep our community safe for all people who might be walking.

Don Marr: Thank you Alderman Marsh for that announcement. We do have an ordinance that homeowners are responsible for the sidewalks adjacent to their properties.

Adjournment: 6:55 p.m.



Lioneld Jordan, Mayor



Sondra E. Smith, City Clerk/Treasurer