

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
April 15, 2014**

A meeting of the Fayetteville City Council was held on April 15, 2014 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 Adella Gray, 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.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items: None

Agenda Additions: None

Consent:

Approval of the April 01, 2014 City Council meeting minutes.

Approved

Bid #LS-2014 Joe Perme Construction, Inc.: A resolution to award Bid #LS-2014 to Joe Perme Construction, Inc. for Community Development Block Grant (CDBG) rehabilitation at Lifesource International (602 S. School) and to approve a purchase order in the amount of \$26,050.00.

Resolution 76-14 as recorded in the office of the City Clerk.

Bid #14-20 Flint Trading, Inc.: A resolution to award Bid #14-20 and to authorize the purchase of preformed thermoplastic pavement markings from Flint Trading, Inc. for a unit price of \$4.03 per square foot as needed through the end of 2014.

Resolution 77-14 as recorded in the office of the City Clerk.

Continental Flooring Company: A resolution to approve a change order to the agreement with Continental Flooring Company in the amount of \$10,250.00 for the installation of vinyl plank flooring in the Transportation Division office.

Resolution 78-14 as recorded in the office of the City Clerk.

United States Conference of Mayors Award: A resolution to accept the United States Conference of Mayors first place award of \$10,000.00 for the Prescription Drug Abuse Awareness Program, and to approve a budget adjustment.

Resolution 79-14 as recorded in the office of the City Clerk.

Mitchell, Williams, Selig, Gates & Woodyard, PLLC Amendment No. 2: A resolution to approve Amendment No. 2 to the contract with Mitchell, Williams, Selig, Gates & Woodyard, PLLC in the amount of \$20,000.00 for additional legal services related to the White River water quality standards petition to the Arkansas Pollution Control and Ecology Commission.

Resolution 80-14 as recorded in the office of the City Clerk.

Alderman Long moved to accept the Consent Agenda as read. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

Unfinished Business: None

New Business:

RZN 14-4618 (Southwest Corner of Paddock Lane and Happy Hollow Rd/Paddock SD): An ordinance rezoning that property described in Rezoning Petition RZN 14-4618, for approximately 9.60 acres, located at the southwest corner of Paddock Lane and Happy Hollow Road from R-PZD, Residential Planned Zoning District, to RSF-8, Residential Single Family, 8 units per acre and NC, Neighborhood Conservation.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Planning Commission voted unanimously 6-0 in support of the request. Staff is supporting the rezoning.

Alderman Gray 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.

Alderman Gray moved to suspend the rules and go to the third and final reading. **Alderman Marsh** 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 5676 as Recorded in the office of the City Clerk

RZN 14-4645 (North of Alberta St. and West of the Coves/The Coves): An ordinance rezoning that property described in Rezoning Petition RZN 14-4645, for approximately 10.22 acres, located north of Alberta Street and west of The Coves from R-PZD, Residential Planned Zoning District, to RSF-8, Residential Single Family, 8 units per acre.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Planning Commission voted unanimously in support of the request. Staff is supporting the request.

Alderman Adams: When I first read this I had a little bit of a question about fire and police. This development will be protected by engine seven, Ruppel Road. No concerns by the chief? It is four minutes to the beginning of the development. Are you concerned about that as a Planning staff?

Jeremy Pate: As part of each rezoning, we ask fire and police to review those. The response time will likely decrease once Ruppel Road is constructed. Right now they would come over through Broyles most likely. It is probably more in the two minute range. Even though this is near Farmington, we have a fire station in close proximity. The response time would be relatively quick.

Alderman Adams 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.

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 unanimously.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5677 as Recorded in the office of the City Clerk

ADM 14-4648 (Forest Hills PZD): An ordinance amending a Residential Planned Zoning District entitled R-PZD 07-2793 Forest Hills to amend the architectural design standards for Planning Area One.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Planning Commission voted 6-0 in support of the request.

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

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 unanimously.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5678 as Recorded in the office of the City Clerk

ADM 14-4635 (UDC Amend 151, 166.21, 166.22, 166.23): An ordinance to amend §§151.01 Definitions, 166.21 Downtown Design Overlay District, 166.22 Parking Garages in Downtown Core, Mainstreet Center and Downtown General Zoning Districts, and 166.23 Urban Residential Design Standards of the Unified Development Code to better align these code sections with the goals and policies of the Downtown Master Plan and City Plan 2030.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Planning Commission voted 6-0 in support of the request.

Alderman Marsh moved to amend to reduce the amount of green screens to a maximum of 10% of building facade. Alderman Kinion seconded the motion. Upon roll call the motion passed unanimously.

A discussion followed about the permitted materials.

Alderman Marsh: The rear fence height is a maximum of six feet. Is it possible to have a taller fence?

Jeremy Pate: These are downtown standards, but we could change that.

Alderman Adams: Is it currently six feet?

Jeremy Pate: It is currently six feet. The intent is not to limit the height in the rear, which I don't really have a lot of reservation about that. What we were concerned about is having privacy fences in the front. That height limit is definitely lower. We want to maintain that because it is downtown. A six foot fence does not require a permit and anything above that does.

Alderman Adams: Could the side go to eight too?

Jeremy Pate: Yes.

A discussion followed on the permit process to build an eight foot fence.

Alderman Marsh moved to amend the rear fence height from six feet to eight feet. Alderman Kinion seconded the motion. Upon roll call the motion passed unanimously.

Alderman Marsh: The parking garages have a reference to lighting. Do we have any other ordinance that might prohibit light trespass?

Jeremy Pate: We have an entire code section that is our lighting ordinance. Full cut off fixtures are required, no light trespass beyond the property line. The high efficiency lighting is not in the current ordinance because parking garages are lit primarily through the night. We felt this was important for energy conservation.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Marsh: Thank you to the Planning staff for putting this together. It is going to do wonders to bring our downtown into better compliance with the 2030 City Plan.

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

Ordinance 5679 as Recorded in the office of the City Clerk

ADM 14-4652 (UDC Amendment Chapter 156 Variances): An ordinance to amend §156.03 Development and §172.04 (F) Parking Lot Design Standards of the Unified Development Code to clarify that variances of §172.04 (F) Parking Lot Design Standards may be requested.

City Attorney Kit Williams stated he needed to amend the ordinance due to a typo and a clause that was left out. He stated he had supplied the missing clause to City Council.

Alderman Long moved to amend the ordinance proposed by City Attorney Kit Williams. Alderman Adams seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Planning Commission voted 6-0 in support. Staff and City Attorney are recommending approval of the ordinance amendment.

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

City Attorney Kit Williams read the ordinance.

Alderman Gray 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.

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

Ordinance 5680 as Recorded in the office of the City Clerk

Repeal §97.016, Fee for City Park Ballfields: An ordinance to repeal §97.016 Fee For City Park Ballfields and enact a replacement §97.016 Fee For City Park Athletic Facilities and Trails for Tournaments and Special Events.

City Attorney Kit Williams read the ordinance.

Alan Spann, Recreation Superintendent gave a brief description of the ordinance.

Alderman Marsh: What kind of notice would be given for people who are biking to work?

Alan Spann: We typically ask for one week. I don't think there is any event that would close the trail through the week during normal business hours. It typically would be for a Saturday or Sunday event. For an event, ample signage would be on the trail.

Alderman Long: Would events be on the weekends most likely? I worry about the people who do use the trails to get back and forth to work.

Alan Spann: I don't think it would affect typical back and forth to work traffic.

Alderman Marsh: A lot of people do work weekends, especially low wage jobs that might be more inclined to bike to work. Is there any way we could arrange transit or something to assist these people with getting to work? I agree we need to be able to host these events, but I feel we need to have a plan in place to help people use this transportation system.

Don Marr, Chief of Staff: We currently have events that do this now and we have not had a process. We have the Hogeye Marathon, Fayetteville Half Marathon, and VA related events. This is often requested. It's one of the reasons that we wanted to limit it, so that we had to have the mayor's approval. We take all of those employment considerations into place. I don't think the city has staff to arrange transit for special events. If we want to do that, we need to make it a requirement for people who are reserving special events and taking these venues away. Today, there is not a fee to do that, yet we have expenses related to it. We have people who paint arrows on the trails that we have to remove, sign postings that have to go up and barrels sometimes that have to be put into major intersections where trails cross. We think this is an important part to outline to people who want this request what those responsibilities are.

Alderman Tennant 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.

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.

Alderman Gray: I think it is excellent that we are able to use the trails for these kinds of events. I want to encourage citizens to do that.

Alderman Kinion: It was discussed in length at the Parks & Recreation Advisory Board and they did approve this 6-1.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-1. Alderman Marsh, Kinion, Petty, Tennant, Schoppmeyer, Adams and Gray voting yes. Alderman Long voting no.

Ordinance 5681 as Recorded in the office of the City Clerk

Amend §114.03, First Thursday: An ordinance to amend §114.03 First Thursday Fayetteville (A) and (B) to change the starting time for First Thursday from 4:00 p.m. to 3:00 p.m.

City Attorney Kit Williams read the ordinance.

Lindsley Smith, Communications Director gave a brief description of the ordinance. She stated staff has strong support of this change.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Tennant: This is the one of the premiere events in Northwest Arkansas. I heard something troubling at the A & P Commissioners meeting. Our executive director told us that sponsorships were down for First Thursday. That is a challenging situation because it does cost money to put on these events. I would hate to see us lose this festival because of lack of sponsorships.

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

Ordinance 5682 as Recorded in the office of the City Clerk

RJN Group, Inc.: An ordinance waiving the requirements of formal competitive bidding and approving an agreement with RJN Group, Inc. for professional engineering services to be used for completion of utilities projects currently in progress in an amount not to exceed \$56,000.00, and approving a budget adjustment.

City Attorney Kit Williams: I regret to have to ask you to table this. I think there is some question about whether it fully complies with state law. When you select professionals like engineers, you don't bid it out, it is not a bidding process. Instead it is a professional selection committee. I don't think we actually have the power to waive that as a City Council.

Alderman Tennant moved to table the ordinance indefinitely. Alderman Marsh seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was tabled indefinitely.

Walton Arts Center Council, Inc. Agreement: A resolution to approve an agreement with the Walton Arts Center Council, Inc. to reimburse the Walton Arts Center for their leasing expenses during the construction of the Spring Street Parking Deck in a monthly amount of \$6,000.00.

Jeremy Pate, Director of Development Services gave a brief description of the resolution. We are recommending approval of the resolution.

Alderman Long: Will the city be getting copies of what they are actually being invoiced?

Jeremy Pate: Yes. Invoices will come directly from the Walton Arts Center to the city.

Alderman Gray: I know the staff and committee has worked hard on this. I feel confident that it is a good plan.

Alderman Tennant moved to approve the resolution. Alderman Gray seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 81-14 as recorded in the office of the City Clerk.

Amend the Rules of Order and Procedure: A resolution to amend the Rules of Order and Procedure of the Fayetteville City Council to change the beginning time of the regular City Council meetings from 6:00 p.m. to 5:30 p.m.

Alderman Schoppmeyer stated he would like to coordinate the start time with City Council and Planning Commission.

A discussion followed about the City Council meeting time being changed.

Alderman Marsh moved to approve the resolution. Alderman Tennant seconded the motion. Upon roll call the resolution passed 7-1. Alderman Gray, Marsh, Kinion, Tennant, Schoppmeyer, Long and Adams voting yes. Alderman Petty voting no.

Resolution 82-14 as recorded in the office of the City Clerk.

City Council Agenda Session Presentations:

Houses at Willow Bend Presentation – Fayetteville Partners for Better Housing and Chico Building and Land, LLC.

Four Housing Narratives to Anchor an Arts District: University of Arkansas Community Design Center.

City Council Tour: None

Announcements:

Alderman Gray: On April 24, 2014 we will have a Ward 1 meeting at 6:00 p.m. at the Senior Center.

Alderman Marsh: Our primary topic will be the revitalization of our South School corridor.

Don Marr, Chief of Staff: On April 19, 2014 we will have our third spring cleanup. The locations are at Shaver Foods, 1367 South Beechwood and the Recycling & Trash Division at 1560 South Happy Hollow Road.

The 31st Annual Springfest will be on April 19, 2014.

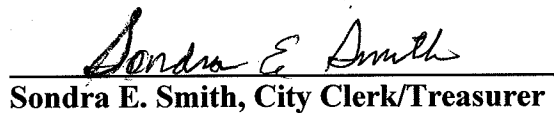
April 24th through April 27th, 2014 will be the Joe Martin Stage races.

The mayor will have his first Town Hall meeting of 2014. It will be April 21st at the Fayetteville Boys & Girls Club at 7:00 p.m.

Alderman Long: There will be a Ward 4 meeting on April 28, 2014 at 6:00 p.m. in room 111 at City Hall.

Adjournment: 7:07 p.m.


Lioneld Jordan, Mayor


Sondra E. Smith, City Clerk/Treasurer