

Alderman Adella Gray
Ward 1 Position 1

Alderman Sarah Marsh
Ward 1 Position 2

Alderman Mark Kinion
Ward 2 Position 1

Alderman Matthew Petty
Ward 2 Position 2



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

Alderman Justin Tennant
Ward 3 Position 1

Alderman Martin W. Schoppmeyer, Jr.
Ward 3 Position 2

Alderman Rhonda Adams
Ward 4 Position 1

Alderman Alan T. Long
Ward 4 Position 2

City of Fayetteville Arkansas City Council Meeting June 03, 2014

A meeting of the Fayetteville City Council was held on June 03, 2014 at 5:30 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, 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 Matthew Petty

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Mayor Jordan asked the students from Ms. Shay Hopper's Woodland Junior High School government class to stand and be recognized.

City Council Meeting Presentations, Reports and Discussion Items: None

Agenda Additions: None

Consent:

Approval of the May 20, 2014 City Council meeting minutes.

Approved

Evans Construction and Remodeling, LLC: A resolution to authorize a contract with Evans Construction and Remodeling, LLC in the amount of \$24,900.00 for Community Development Block Grant rehabilitation of an eligible residence located at 505 West Mountain Street.

Resolution 102-14 as recorded in the office of the City Clerk.

Bid #14-24 Lewis Ford Sales, Inc.: A resolution to award Bid #14-24 to Lewis Ford Sales, Inc. of Fayetteville, Arkansas for the purchase of a 2015 Ford F550 pickup truck with Reading Utility Body in the amount of \$44,276.00 for use by the Water and Sewer Operations Division, and to approve a budget adjustment.

Resolution 103-14 as recorded in the office of the City Clerk.

Bid #14-25 Lewis Ford Sales, Inc.: A resolution to award Bid #14-25 to Lewis Ford Sales, Inc. of Fayetteville, Arkansas for the purchase of a Ford F150 pickup truck with Maxon Lift Gate in the amount of \$25,652.40 for use by the Recycling and Trash Collection Division, and to approve a budget adjustment.

Resolution 104-14 as recorded in the office of the City Clerk.

Bid #14-26 Lewis Ford Sales, Inc.: A resolution to award Bid #14-26 to Lewis Ford Sales, Inc. of Fayetteville, Arkansas for the purchase of a Ford F350 pickup truck with Reading Utility Body in the amount of \$41,707.00 for use by the Water and Sewer Operations Division.

Resolution 105-14 as recorded in the office of the City Clerk.

Bid #14-27 Equipment Resource Management, Inc.: A resolution to award Bid #14-27 to Equipment Resource Management, Inc. of Little Rock, Arkansas for the purchase of a Wirtgen Milling Machine W200i in the amount of \$589,690.00 with a trade-in allowance of \$250,000.00 for a total cost to the city of \$339,690.00 for use by the Transportation Division, and to approve a budget adjustment.

Resolution 106-14 as recorded in the office of the City Clerk.

Bid #14-21 Suncoast Infrastructure, Inc.: A resolution to award Bid #14-21, to authorize a contract with Suncoast Infrastructure, Inc. in the amount of \$76,995.00 to construct Phase Two of

Elkins Outfall Gravity Sewer Improvements, to approve a \$10,000.00 project contingency, and to approve a budget adjustment.

Resolution 107-14 as recorded in the office of the City Clerk.

State of Arkansas Department of Information Systems: A resolution to authorize the Mayor to sign a Master Service Agreement with the State of Arkansas Department of Information Systems in the amount of \$52,000.00 for database administration services for the remainder of 2014, to approve a project contingency in the amount of \$8,000.00, and to approve a budget adjustment.

Resolution 108-14 as recorded in the office of the City Clerk.

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

Unfinished Business: None

Public Hearing:

Stroud Investment Properties, LLC: A resolution to order the razing and removal of a dilapidated and unsafe structure owned by Stroud Investment Properties, LLC located at 540 North Betty Jo Drive in the City of Fayetteville, Arkansas, and to approve a budget adjustment. ***This resolution was Tabled at the May 20, 2014 City Council meeting to the June 3, 2014 City Council meeting.***

Jeremy Pate, Director of Development Services stated the property had been razed and removed. He stated the site had been cleaned up and recommended the resolution be tabled indefinitely.

Alderman Adams moved to table the resolution indefinitely. Alderman Long seconded the motion. Upon roll call the motion passed 7-0. Alderman Petty was absent.

This resolution was tabled indefinitely.

New Business:

Stephen and Bonnie G. Turner Settlement: A resolution pursuant to Fayetteville Code of Ordinances Section 39.10(C)(4) to authorize the Mayor to pay \$25,552.15 to Stephen and Bonnie G. Turner for a wastewater damage claim arising at 1532 N. Hillcrest Avenue, and to approve a budget adjustment.

Tim Nyander, Water & Sewer Operations Manager gave a brief description of the resolution.

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

Resolution 109-14 as recorded in the office of the City Clerk.

VAC 14-4623 (229 N. School St./Parking Deck): An ordinance approving VAC 14-4623 submitted by the City of Fayetteville for property located at 2229 N. School Avenue to vacate a 5 foot utility easement and a 10 foot right-of-way easement.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. He stated the Planning Commission approved the request 7-0 and all the conditions of approval are in the ordinance.

Alderman Marsh 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 Petty 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 Petty 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 Petty was absent.

Ordinance 5690 as Recorded in the office of the City Clerk

Amend Chapter 50 Garbage and Trash: An ordinance to change the name of Chapter 50 Garbage and Trash to Recycling and Trash Collection, to change all references to Solid Waste and Recycling Division within Chapter 50 to Recycling and Trash Collection Division, to change "Operations Director" to "Recycling and Trash Collection Manager" throughout Chapter 50, and to amend §50.05 Depositing on Streets, Alleys, or Sidewalks of the Fayetteville Code.

City Attorney Kit Williams read the ordinance.

Brian Pugh, Waste Reduction Coordinator stated he would be happy to answer any questions.

Alderman Gray 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 Petty was absent.

City Attorney Kit Williams read the ordinance.

Alderman Long 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 Petty was absent.

City Attorney Kit Williams read the ordinance.

Alderman Adams addressed Ms. Shay Hopper's Woodland Junior High School government class about the importance of words and what one word can do in a sentence.

Alderman Marsh discussed the definitions of waste and trash.

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

Ordinance 5691 as Recorded in the office of the City Clerk

Amend §174.08 Prohibited Signs: An ordinance to amend §174.08 Prohibited Signs (C) Portable Swinger or Temporary Attraction Sign Boards to allow more freestanding "A" frame sandwich/menu sign boards.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams gave a brief description of the ordinance. He stated that Alderman Petty had brought this item forward.

City Attorney Kit Williams: Do you have any comments about the sign ordinance Jeremy?

Jeremy Pate, Director of Development Services: We try to stay content neutral on our sign ordinance. We are supportive of this particular section. We sometimes see retail establishments utilize these sandwich boards. Normally it is on properties that do not have the property to have their own free standing sign. It is primarily downtown where the building is right next to the sidewalk and all they have is the building sign, so this allows for someone to advertise their business. There are some safeguards that were in the original ordinance that remains such as ADA compliance, maintaining a minimum of five feet of sidewalk and only advertising for the business adjacent to it.

Alderman Marsh: I want to emphasize the importance of our sidewalks remaining ADA compliant and this does require that. I have seen a lot of signs blocking the sidewalks. I want to emphasize for businesses to make sure you have at least five feet of clear sidewalk left after the signs are placed and accommodate anyone who is mobility challenged.

Alderman Long 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 Petty was absent.

City Attorney Kit Williams read the ordinance.

Alderman Gray: There isn't anything that says this is strictly for restaurants?

City Attorney Kit Williams: No. It used to be for restaurants and now it is for any retail commercial establishment if the sidewalk in front of their business is big enough to be ADA compatible. Not every sidewalk in town would have that.

Alderman Tennant: When this was first put together, if we are trying to be neutral in our signs to let anybody do this, why didn't we do it in the first place?

City Attorney Kit Williams: I think it was viewed as a new change to the sign ordinance. We don't want to have too many exceptions to the sign ordinance. Consistency is something good to have and so we didn't allow this sort of thing before. It was felt like there was special case needs for restaurants to be able to advertise what was going on that day. I think that is why the City Council at that point felt it was appropriate for the restaurants, but they wanted to limit it as much as possible. I think this is something we need to look at in the future. It might be that this is something that will open the doors too wide and present clutter. One of our basis of our sign ordinance is aesthetics and so if this would damage that too much, then you could look at it again.

Alderman Tennant: I am in full support. I was trying to get a little history of it.

A discussion continued about the freestanding "A" frame sandwich/menu sign boards and who would enforce the ordinance if city code was broken.

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 Petty was absent.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams stated he notified a new business that had two signs up and the business was very quick to comply in taking one down. He stated the signs are easy to move.

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

Ordinance 5692 as Recorded in the office of the City Clerk

City Council Agenda Session Presentations:

One Book One Community – Maylon Rice

City Council Tour: None

Announcements:

Alderman Marsh: The Fayetteville Forward Green Economy Group will be hosting its forum on Sustainable Transportation, Friday, June 6, 2014 at 8:00 a.m. at the Fayetteville Chamber of Commerce. Everyone is welcome and it is a free event.

City Attorney Kit Williams: Alderman Petty is not here because he is at a conference that Don Marr, Jeremy Pate and Mayor Jordan will be attending.

Don Marr, Chief of Staff: The Mayor, Jeremy and I, along with our Chamber President Steve Clark, Alderman Petty, representatives from Fayetteville, Springdale, Rogers, Bentonville, Siloam Springs and Eureka Springs are all going to the Congress of New Urbanism to look at initiatives as a region.

Please welcome the Wal-Mart shareholders in town this week.

Our newly remodeled Wilson Park pool opens this Friday, June 6, 2014. Vice Mayor Kinion will be doing a ribbon cutting in the Mayor's absence. The pool opens at 4:00 p.m. and the ribbon cutting is at 5:00 p.m. It is a nice renovated facility and at dark we will have our dive-in movie.

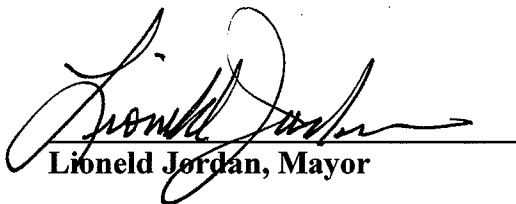
The 9th annual Pitch for the Cure Tournament is June 6-8, 2014.

Artist Fair continues its event this weekend with a symphony performance.

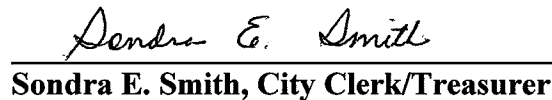
Through the Garden Gate sponsored by Botanical Garden of the Ozarks and Westwood Gardens will be on June 7, 2014 at 9:00 a.m.

Alderman Kinion: We have First Thursday this week.

Adjournment: 6:00 p.m.



Lioneld Jordan, Mayor



Sondra E. Smith, City Clerk/Treasurer