

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 November 6, 2014

A meeting of the Fayetteville City Council was held on November 6, 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, Matthew Petty, Justin Tennant, Martin Schoppmeyer, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Rhonda Adams

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 October 21, 2014 City Council meeting minutes.

Approved

A resolution to award Bid #14-55 and approve the purchase of four (4) Irrigation Reels from Keeling Company of North Little Rock, Arkansas in the amount of \$144,000.00 plus applicable taxes for the City Biosolids Management Site.

Resolution 189-14 as recorded in the office of the City Clerk.

A resolution to award Bid #14-58 to Truck Centers of Arkansas and approve the purchase of one (1) Freightliner 114SD tri-axle dump truck in the amount of \$127,620.00 for use by the Transportation Division, and to approve a budget adjustment.

Resolution 190-14 as recorded in the office of the City Clerk.

A resolution to award Bid #14-59 to Summit Truck Group of Lowell, Arkansas and approve the purchase of two (2) International 7300 dump trucks with Henderson belly plows in the total amount of \$287,516.56 for use by the Transportation Division, and to approve a budget adjustment.

Resolution 191-14 as recorded in the office of the City Clerk.

A resolution to approve the purchase of one (1) Volvo MCT 125 Skid Steer Loader with Soil Conditioner from Hugg & Hall Equipment of Springdale, Arkansas pursuant to the Houston-Galveston Area Council contract in the amount of \$65,634.00 and to approve a budget adjustment.

Resolution 192-14 as recorded in the office of the City Clerk.

A resolution to approve a budget adjustment recognizing Hazmat Services revenue received by the Fire Department through October 2014.

Resolution 193-14 as recorded in the office of the City Clerk.

A resolution to exercise the five year option to renew the agreement with Waste Management of Arkansas, Inc. for Solid Waste Transfer and Disposal Services.

Resolution 194-14 as recorded in the office of the City Clerk.

A resolution to approve and certify the participation of Pacific Vet Group – USA, Inc. in the Arkansas tax back program and to agree to authorize DF&A to refund city sales tax back to Pacific Vet Group – USA, Inc.

Resolution 195-14 as recorded in the office of the City Clerk.

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

Unfinished Business: None

New Business:

An ordinance rezoning that property described in Rezoning Petition RZN 14-4848, for approximately 0.29 acres, located at 940 West Maple Street from P-1, Institutional, to RMF-40, Residential Multi Family, 40 units per acre.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is recommending approval and Planning Commission voted 8-0 in favor.

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 Adams 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 Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Adams 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 Adams was absent.

Ordinance 5717 as Recorded in the office of the City Clerk

An ordinance rezoning that property described in Rezoning Petition RZN 14-4850, for approximately 4.96 acres, located along the north side of Martin Luther King Boulevard between Government and Hill Avenues, from I-1, Heavy Commercial/Light Industrial, to C-2, Thoroughfare Commercial.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: We received an email from the applicant. I have asked them to address the City Council.

Stephen Giles, Agent for Property Owner: Thank you for considering our request to move this to December 2, 2014. This will give us an opportunity to work further with city staff to come up with a plan that would be beneficial for you to understand what this project is going to be like.

Jeremy Pate explained the two options of either leaving it on the first reading or tabling the item.

Alderman Kinion: If we table this, I hope it would give the opportunity for the developer to look at zoning alternatives that would meet both the needs of the planned master plans adjacent to this property. We have the Downtown Master Plan, Walker Park Master Plan and the Fayette Junction Master Plan. We have made a commitment to look at our form based options whenever we are looking at rezoning. Rezoning is important because in the event that this specific retail operation doesn't go in there and then it is rezoned, there is no guarantee that something else wouldn't come in there that might be less desirable.

When I look at a zoning change, I'm not looking at a specific retail operation. I'm looking at the total impact that I have whenever I'm looking in the long term as we are planning for this specific piece of property. There are all sorts of opportunity to work together and have wonderful compromise looking at our form based zoning options where everyone can get an ideal opportunity with this property and enhance the vision the individuals that spent many hours in the master planning. I hope we can meet the recommendations of the master plans that are adjacent to this property. I feel we can. If you look at other cities that have taken the opportunity to do this with this specific retailer, there certainly is some options where they have worked very well with the municipalities. I hope we will have the opportunity to do the same.

Alderman Marsh: When we are considering a zoning request, we aren't actually allowed to consider any project plans specifically, only the allowable uses in that zone?

City Attorney Kit Williams: If this comes through as it is right now with the C-2, you don't look at the project, you look at what could be built under C-2 and many things could be built under C-2. That's what the PZD was giving us in the past. We haven't seen very many of them now, but it is still a viable option. The only way you could look at some actual potential development is if they go that way.

Mayor Jordan: We looked at a lot of PZD's when I was on the Council in the early days. They show you what they are going to put in, how it looks and you can give input if it comes forward as a PZD. If it doesn't, then you would look at C-2 zoning and that was about it.

Alderman Marsh: Thank you for clarifying that.

Alderman Petty: I want to make sure the applicants understand my opinion and understand that Ward 2 as a group up here are unified about how this property gets developed. Not necessarily what the uses of the property are, but the form of the property. I am cognizant of the kinds of logistical challenges that will have to be solved if you do this the way that Mark and I are asking for. I think it can be solved. If there is a good faith effort to do that, we can come up with something that you can get unanimous support for.

Alderman Marsh moved to table the ordinance to the December 2, 2014 City Council meeting. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Adams was absent.

This ordinance was tabled to the December 2, 2014 City Council meeting.

An ordinance approving VAC 14-4849 submitted by Bates and Associates for property located at the northwest corner of Zion Road and Waterside Court to vacate existing utility easement.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is supporting the request. The Planning Commission voted 8-0 in favor.

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 Adams was absent.

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 7-0. Alderman Adams 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 Adams was absent.

Ordinance 5718 as Recorded in the office of the City Clerk

An ordinance approving VAC 14-4853 submitted by city staff for property located at the intersection of James Street and Mount Comfort Road to vacate existing street right-of-way.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is recommending the request. The Planning Commission voted 8-0 in favor.

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

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: This was negotiated by the former Assistant City Attorney when we were getting the right-of-way for the extension of Garland and saved us a considerable amount of money in exchange for this, which we really don't need. It was a good deal for the city and we need to fulfill what we said we were going to do.

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 7-0. Alderman Adams 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 Adams was absent.

Ordinance 5719 as Recorded in the office of the City Clerk

An ordinance to waive the requirements of formal competitive bidding and approve a cost-share agreement with Arkansas & Missouri Railroad for railroad crossing signal improvements at the Dickson Street crossing in an amount not to exceed \$250,000.00 and to authorize Amendment No. 2 to the license and agreement with Arkansas & Missouri Railroad to facilitate the construction of the Tsa La Gi, Town Branch and Cato Springs trails across railroad property.

City Attorney Kit Williams read the ordinance.

Matt Mihalevich, Trails Coordinator gave a brief description of the ordinance.

City Attorney Kit Williams: I would like to thank Matt for his work. He's been working with the railroad quite a bit. We were determined to make sure we would get all the trail crossings that we needed. He checked very carefully on that and secured their agreement to give them to us with licenses, so in the future we won't have a problem when we extend our trails according to our master trail plan. Not only are we increasing the safety for our citizens, but also getting our trails.

Alderman Marsh 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 Adams was absent.

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 7-0. Alderman Adams was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan: This has been a long time coming. The crossing on Dickson Street is one of the most dangerous crossings, not only in the city, but the State of Arkansas. Matt did a great job and it's going to make us a much safer city.

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

Ordinance 5720 as Recorded in the office of the City Clerk

A resolution amending the Master Street Plan by removing the section of future collector street between Oakland Zion Road and Altus Drive, as described and depicted in the attached map.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is recommending approval. The Planning Commission voted 7-1 in favor. Commissioner Kyle Cook voting no.

Alderman Marsh: In downgrading the street, we are sacrificing the bike lanes. Is that correct?

Jeremy Pate: The bike lanes would not be separated bike lanes. It would be a local street section which generally lowers speed. Bicycles are within the traffic. You wouldn't see a designated bike lane. It likely won't be marked because it doesn't go anywhere at this point in time. It is simply a connection within this eight lot subdivision.

Joseph Orr, Blew & Associates: I'm representing the developer of the property. We are wanting to remove and downgrade the collector to a local street going through the subdivision which is an eight lot subdivision. They are large lots. With no more traffic than we will be adding onto the property, there's not a whole lot of need for that large street going through the property for eight people.

Mike Parker, Developer gave a brief description of the area. He stated if a 30 foot wide road had to be built, it probably wouldn't work. He stated there has been about \$700,000 in infrastructure done for seven homes without the 30 foot road.

Mayor Jordan: Are you going to leave the right-of-way?

Mike Parker: I wouldn't mind doing that if that is requested. We wouldn't mind doing a wider easement and build a normal residential street.

Alderman Kinion: It is my understanding the eight lots are already pre-sold and platted. It is going to take an effort if someone comes in to change that in the future. I think that is relevant. I went out and looked at it. We have an east and west problem and we don't want to continue the east and west problem. If you go up to Sagely Lane and how it is being developed around there, you are getting a neighborhood already developed along this direct area on both sides. If we go in with the intent that is in here instead of developing this area on both sides as it is being developed right now, it's cutting it in half. I see your point with the nature of the development the way it's coming up through here and also the topography of the area naturally. Knowing they are pre-sold, matters. It is important of the understanding of the right-of-way because that is where we have had problems. I see your point in the immediate development situation.

Mike Parker: If the right-of-way is 50 foot, I'm not really sure on the numbers and the collector street requires 59 foot, I would not mind platting a 59 foot right-of-way just in case it was needed later.

Alderman Tennant: The right-of-way is going to go through the process if he's willing to look at the right-of-way, then we will have that up front.

Jeremy Pate: That's really a decision before you tonight, which cross section to build and which right-of-way to dedicate. I would ask as one possible compromise that if the collector street right-of-way were dedicated, the local street cross section were built within that, so it reduces the cross section, except at the intersection of Oakland Zion. Right at the intersection provide 30 feet for a future turn lane, that way if this comes into the city at a later date we don't have to go in and tear folks yards and driveways up to be able to build that.

Alderman Tennant: At the intersection?

Jeremy Pate: Just at the intersection.

Alderman Tennant: Are you good with that?

Mike Parker: I am. On the preliminary plat that was approved, they actually put it in as a 60 foot wide easement. I think we have already more than accommodated that.

Alderman Tennant: I appreciate your willingness.

Jeremy Pate: Staff could support that.

Mike Wagner, Lot owner spoke in opposition of a 30 foot wide road being built.

Trish Dick, Lot owner stated she would like to keep it private and not have Sloane Estates connect to the back of her property.

City Attorney Kit Williams: Their plat was approved for them not to have to build a collector, but their preliminary plat did show a right-of-way already that would allow a collector. Is that correct?

Jeremy Pate: Correct. It was a specific determination in the conditions by the Planning Commission. In order to amend the Master Street Plan to downgrade less than that, it would be a Council action.

City Attorney Kit Williams: If their preliminary plat was already approved without a collector being built, then I do not think we could constitutionally force them to build a collector. They only have seven houses and that is too much to require of a developer for such a small number of units. We can require them to do a regular street and that is very appropriate. I don't think we could require them to actually construct it. They are willing at this point to grant the city the right-of-

way. The burden would be on the taxpayers to construct the rest of it which is where it should be because these are too small of a group of people to make them build that big of a road. I'm not sure that we need to amend the Master Street Plan. If we are approving their plat where they are building the residential street and getting the right-of-way for the collector street, do we actually need to change that Master Street Plan to allow someone to do that?

Jeremy Pate: The technicality there is that the code section about Master Street Plan states you have to dedicate a specific right-of-way when a Master Street Plan crosses your street, unless the Council agrees with the Planning Commission in a recommendation that it can be downgraded.

City Attorney Kit Williams: They are dedicating a specific cross section.

Jeremy Pate: Yes, but that wasn't the case until tonight. That is the new development tonight.

City Attorney Kit Williams: We need to make sure their plat shows the dedication.

Jeremy Pate: Correct.

City Attorney Kit Williams: Does your plat show that and does the plat show where the street will be built?

Joseph Orr: Yes.

City Attorney Kit Williams: The street would be narrower on your plat than shown?

Joseph Orr: Yes. It would be 27 foot wide and 60 foot right-of-way.

City Attorney Kit Williams: This is what you would recommend now?

Joseph Orr: Yes.

City Attorney Kit Williams: Is this satisfactory with you Jeremy?

Jeremy Pate: It is.

A discussion followed about street requirements for the county and city. It was recommended that the developer meet with the Planning staff to work out the details.

Alderman Kinion encouraged City Council members to view the property.

Alderman Gray moved to table the ordinance to the November 18, 2014 City Council meeting. **Alderman Marsh** seconded the motion. Upon roll call the motion passed 6-0. **Alderman Long** was absent during the vote. **Alderman Adams** was absent.

This ordinance was tabled to the November 18, 2014 City Council meeting.

Announcements:

Jeremy Pate: November 9, 2014 at 2:30 p.m. on the Downtown Fayetteville Square is the Veteran's Day parade.

City offices will be closed on Tuesday, November 11, 2014 in observance of Veteran's Day.

Agenda Session will be on Thursday, November 13, 2014 at 4:30 p.m.

City Council will have the 2015 Budget Discussion meeting November 17, 2014 at 5:30 p.m. in Room 326.

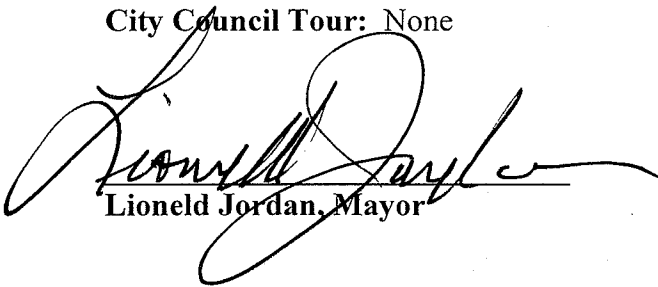
Alderman Marsh: I will not be here for the next City Council meeting. I will be at the National League of Cities Conference.

Adjournment: 6:23 p.m.

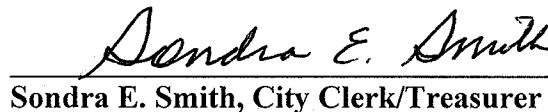
City Council Agenda Session Presentations:

Economic Development Quarterly Report – Chung Tan

City Council Tour: None



Lioneld Jordan, Mayor



Sondra E. Smith, City Clerk/Treasurer