

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 John La Tour
Ward 4 Position 1

Alderman Alan T. Long
Ward 4 Position 2

**City of Fayetteville Arkansas
City Council Meeting
February 3, 2015**

A meeting of the Fayetteville City Council was held on February 3, 2015 at 5:30 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 Adella Gray, Sarah Marsh, Mark Kinion, Justin Tennant, John La Tour, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Alderman Kinion arrived at 5:32 p.m.

ABSENT: Alderman Matthew Petty and Alderman Martin Schoppmeyer.

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 January 20, 2015 City Council meeting minutes.

Approved

Chevrolet of Fayetteville: A resolution to authorize the purchase of one (1) Chevrolet Equinox from Chevrolet of Fayetteville in the amount of \$20,247.00 pursuant to a state procurement contract for use by the Parking Management Division.

Resolution 24-15 as recorded in the office of the City Clerk

Toyota of Fayetteville: A resolution to authorize the purchase of one (1) Toyota Prius from Toyota of Fayetteville in the amount of \$22,627.00 pursuant to a state procurement contract for use by the Building Safety Division, and to approve a budget adjustment.

Resolution 25-15 as recorded in the office of the City Clerk

Lewis Ford of Fayetteville: A resolution to authorize the purchase of one (1) 2015 Ford F250 from Lewis Ford of Fayetteville, Arkansas in the amount of \$22,427.00 pursuant to a state procurement contract for use by the Animal Services Division.

Resolution 26-15 as recorded in the office of the City Clerk

Chevrolet of Fayetteville: A resolution to authorize the purchase of one (1) 2015 Chevrolet Equinox AWD from Chevrolet of Fayetteville in the amount of \$21,699.00 pursuant to a state procurement contract for use by the Utilities Director, and to approve a budget adjustment.

Resolution 27-15 as recorded in the office of the City Clerk

Landers Dodge of Benton: A resolution to authorize the purchase of one (1) 2015 Dodge Ram 1500 4x4 pickup truck from Landers Dodge of Benton, Arkansas in the amount of \$20,193.00 pursuant to a state procurement contract for use by the Water and Sewer Division.

Resolution 28-15 as recorded in the office of the City Clerk

Landers Dodge of Benton: A resolution to approve the purchase of one (1) 2015 Dodge Ram 1500 pickup truck from Landers Dodge of Benton, Arkansas in the amount of \$20,367.00 pursuant to a state procurement contract for use by the Police Department, and to approve a budget adjustment.

Resolution 29-15 as recorded in the office of the City Clerk

Henard Utility Products: A resolution to authorize the purchase of a bandit chipper/shredder from Henard Utility Products in the amount of \$32,522.25 plus applicable taxes pursuant to the National Joint Powers Alliance Cooperative Purchasing Agreement for use by the Parks and Recreation Department and Transportation Division.

Resolution 30-15 as recorded in the office of the City Clerk

Bale Chevrolet: A resolution to approve the purchase of one (1) 2015 non-motor pool replacement vehicle from Bale Chevrolet in the amount of \$32,371.00 with options pursuant to a state procurement contract for use by the Police Department, and to approve a budget adjustment.

Resolution 31-15 as recorded in the office of the City Clerk

Washington County Jail Services Interlocal Agreement Amendment: A resolution approving an amendment to the Jail Services Interlocal Agreement with Washington County, Arkansas, continuing fees at \$60.00 per booked prisoner for calendar year 2015.

Resolution 32-15 as recorded in the office of the City Clerk

Express the Willingness for Sain Street Connection: A resolution to express the willingness of the City of Fayetteville to utilize federal-aid funds for the construction of the Sain Street connection from North Front Street to Vantage Boulevard.

Resolution 33-15 as recorded in the office of the City Clerk

Southwestern Electric Power Company Agreement: A resolution to approve an agreement with Southwestern Electric Power Company to participate in an Energy Efficiency Rebate Program in the amount of \$4,967.83, and to approve a budget adjustment.

Resolution 34-15 as recorded in the office of the City Clerk

Swepeco of Fayetteville Utility Work Agreement: A resolution to approve a Utility Work Agreement with Swepeco of Fayetteville, Arkansas for utility relocations as part of the Highway 112 Widening Project between Razorback Road and Garland Avenue, with the amount to be paid by the City of Fayetteville not to exceed \$91,878.59.

Resolution 35-15 as recorded in the office of the City Clerk

Grant Thornton LLP Contract: A resolution to approve a contract with Grant Thornton LLP in the amount of \$87,500.00 to provide Independent Audit Services to the City of Fayetteville.

Resolution 36-15 as recorded in the office of the City Clerk

Training Grounds for the Fayetteville Fire Department: A resolution to designate approximately 14.2 acres of city property as training grounds for the Fayetteville Fire Department.

Resolution 37-15 as recorded in the office of the City Clerk

Alderman Marsh moved to accept the Consent Agenda as read. Alderman Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty and Schoppmeyer were absent.

Unfinished Business:

RZN 14-4864 Koutroumbis Appeal: An ordinance rezoning that property described in Rezoning Petition RZN 14-4864, for approximately 0.26 acres, located at 232 West Ash Street from RSF-4, Residential Single Family, 4 units per acre, to RMF-24, Residential Multi-Family, 24 units per acre. *This Ordinance was left on the First Reading at the January 6, 2015 City Council Meeting. This ordinance was left on the Second Reading at the January 20, 2015 City Council meeting.*

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 6-0. **Alderman Petty** and **Schoppmeyer** were absent.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff and Planning Commission do not recommend approval of the rezoning.

Terry Parker, Parker & Associates: What we are proposing will fit into the neighborhood and be an enhancement. We are proposing to keep the existing single-family house that faces Ash Street. We have the possibility of routing our traffic in from Gregg Street to this property, across the land that this family owns at the same property. This would help alleviate some of the traffic concern.

Taylor Koutroumbis, Applicant gave a brief description of the proposed triplex and the access from Gregg Street. She stated the Planning Department told her that she could only have three units with the RMF-24 zoning due to the city's requirements for parking, green spaces and water management. She gave a description of all the apartment complexes in the area and believes her project would fit in nicely with the neighborhood. She stated she intended to improve the apartment buildings that face Gregg Street to make the area look nicer. She stated she did not ever intend to sale the property in the future.

Alderman Tennant: If I am renting one those triplexes, do I turn into the first or second apartment driveway, from Gregg Street?

Taylor Koutroumbis: Between the two town home buildings is a large green space and that is where the driveway will go. We have measured and it will comply with the city's requirements.

Alderman Long: When they enter through the parking lot of the townhouse complex closest to Ash Street, would they enter through the actual parking lot or would there be another curb cut onto Gregg Street?

Taylor Koutroumbis: They would use the current curb cut.

Alderman La Tour: If we were not to grant you this rezoning, what do you think will happen to this property?

Taylor Koutroumbis: We plan to leave it the same. We use the front house as a rental property. We talked with the city and they said we could get a special permit to build a duplex there.

Alderman La Tour: Would you describe this section of Gregg Street as a quiet single-family neighborhood?

Taylor Koutroumbis stated she believes the neighborhood is a mix. She stated most of the property in the area are rentals.

City Attorney Kit Williams: There has been no Bill of Assurance offered. The statement about what they would do with the zoning is totally unenforceable. We have gone more into depth than what we should have in any zoning decision. Once the zoning decision has been made, they can do whatever the zoning would allow them. You need to consider if this is the proper zoning for this parcel.

Mayor Jordan: Jeremy, could you please explain why staff did not support this project?

Jeremy Pate: The discussion about the transition is the real issue for staff. The Planning Commission discussed more about the traffic. One of the concerns about development, providing more access onto Gregg without a turn lane, actually could become an issue. We have to look at these at a case by case basis. Adding the ability to have a larger apartment complex this close proximity to that neighborhood simply was concerning to us.

Taylor Koutroumbis: Mr. Pate stated if we did demolish everything and rebuild, the zoning would allow for 17 units. There are already 16 there. I don't think it's that much of a change if you include all of our properties.

Alderman Kinion: I have been contacted by individuals in the Woodland neighborhood and they do not support this. I did not get anyone calling me that did support it in the neighborhood. There is a concern about the encroachment of multi-family rentals into the neighborhood. This is an area where I get the most complaints with single-family homes. They may have more individuals living in them because of the rental situation. Across the street is a historic home that was relocated on to Ash Street because it is a quiet entrance into the neighborhood. The other issue is the traffic concerns going from Gregg into the project. It would add more congestion. I support staff.

Alderman La Tour stated he has a great deal of respect for property owner rights. He doesn't believe they will build something ugly. He stated they have a financial incentive not to make the neighbors upset. He believes traffic is a good sign that property values are going up. He stated he supports the applicant.

Alderman Marsh: I don't think adding a few more units would be a bad thing, but I try to evaluate this in terms of our 2030 City Plan. It says, making appropriate infill and revitalization our highest priorities, and this is definitely a central site. If we are building this livable transportation network, how could people walk or bike to the site? Right now there is not really any continuous sidewalks along North Gregg Avenue. I support the staff and Planning Commission recommendations.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance failed 2-4. Alderman La Tour and Tennant voting yes. Alderman Long, Gray, Marsh and Kinion voting no. Alderman Petty and Schoppmeyer were absent.

This ordinance failed.

Alderman Long: I would like Council to reconsider the appeal. Looking at the zoning, I do think it is compatible.

Alderman Long moved to reconsider the ordinance. Alderman La Tour seconded the motion. Upon roll call the motion to reconsider passed 4-2. Alderman La Tour, Long, Gray, and Tennant voting yes. Alderman Marsh and Kinion voting no. Alderman Petty and Schoppmeyer were absent.

Alderman Kinion: I want to emphasize this was tough for me. It was out of true concern for the neighborhood that is primarily single-family, which wanted the protection offered by the suggestion of staff and the Planning Commission and also the consideration of traffic patterns.

Alderman Long: If we don't approve what they are looking for, they are talking about coming back with a duplex instead of a triplex. It would be just one additional unit. There is only one adjacent property with a housing unit on it that's not multi-family. I believe it would be suited for multi-family.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance failed 3-3. Alderman La Tour, Long and Tennant voting yes. Alderman Gray, Marsh and Kinion voting no. Alderman Petty and Schoppmeyer were absent.

This ordinance failed.

Repeal and Replace Title V Public Works and Amend Chapter 51 and Chapter 10: An ordinance to repeal and replace Title V Public Works, Article III Discharge and Pretreatment Regulations; to Amend § 51.137 Monthly Sewer Rates; to Amend § 51.138 Definitions Pertaining to Water and Sewer Rates; to Amend § 51.999 Penalty; and to Amend § 10.99 General Penalty of the Fayetteville Code. ***This ordinance was left on the First Reading at the January 20, 2015 City Council meeting.***

Alderman Long 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 Petty and Schoppmeyer were absent.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: We need a little bit of time to have the notice out and have the public hearing, which will be scheduled for the next meeting.

This ordinance was left on the Second Reading.

Enact Article III Procedure to Exercise Initiative and Referendum Rights of Chapter 36: Elections: An ordinance to enact Article III Procedure to Exercise Initiative and Referendum Rights of Chapter 36: Elections into the Fayetteville Code to clarify the proper procedure for the citizens' right of the initiative and referendum. *This ordinance was left on the First Reading at the January 20, 2015 City Council meeting.*

Alderman Tennant: We had a request to table this until March 17, 2015. We are going to have an Ordinance Review meeting on February 18, 2015. This will be the only item on that agenda. As chairman of the committee, I assure the public that they will have ample time to make public comments at that meeting if they so choose. We will do our due diligence. If there are any suggestions to be made, do it at that time. It will then give us about a month to work with Kit and the staff and have an item we can look at.

Alderman Tennant moved to table the ordinance to the March 17, 2015 City Council meeting. Alderman La Tour seconded the motion. Upon roll call the motion to table passed 6-0. Alderman Petty and Schoppmeyer were absent.

This ordinance was left on the First Reading and Tabled to the March 17, 2015 City Council meeting.

New Business:

RZN 14-4882 (East Side of Ruppel RD./Westside Village): An ordinance rezoning that property described in Rezoning Petition RZN 14-4882, for approximately 21.63 acres, located on the east side of Ruppel Road North of the Boys and Girls Club, from R-PZD, Residential Planned Zoning District R-PZD 06-1884 Westside Village, to NS, Neighborhood Services.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is supportive. The Planning Commission voted 9-0 in favor of the rezoning.

Valerie Biendara, Fieldstone stated she didn't see any notice posted and didn't know if residents had been notified. She voiced her concern about traffic. She requested information as to what types of businesses would be allowed under Neighborhood Services.

Jeremy Pate: Neighborhood Services allows for primarily residential uses, but also allows for limited business. Limited business is small scale such as cafes, coffee shops and dry cleaners. It does not allow gas stations. For notification, we notify the property owner, adjacent property owners and a sign goes up before Planning Commission.

Alderman Long: I would like to hold this until the next Ward 4 meeting so that we can take some comment.

City Attorney Kit Williams: Thank you to staff for bringing this forward. I have been concerned about properties around town that have expired PZD's, which means the property owner cannot build anything or develop their property. Staff recommends what they believe would be the best zoning. Sometimes in conjunction with the owner, but sometimes the owner doesn't make any recommendations, so they decide themselves what would be the best and most compatible for that neighborhood.

Alderman Long: I would like to table this until the March 3, 2015 meeting due to the Ward 4 meeting.

A discussion followed about the timeline for tabling the ordinance.

Alderman Long moved to Table the ordinance to the March 3, 2015 City Council meeting. Alderman La Tour seconded the motion. Upon roll call the motion failed 3-3. Alderman La Tour, Long and Tennant voting yes. Alderman Gray, Marsh and Kinion voting no. Alderman Petty and Schoppmeyer were absent.

This ordinance was left on the First Reading.

RZN 14-4883 (HWY. 112 North of Truckers Drive/Parkwest): An ordinance rezoning that property described in Rezoning Petition RZN 14-4883, for approximately 93.04 acres, located at HWY 112 North of Truckers Drive from R-PZD 05-1796, Residential Planned Zoning District Park West, to RSF-8, Residential Single Family, 8 units per acre, and CS, Community Services.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is supportive. The Planning Commission voted 9-0 in favor of the rezoning.

Alderman Marsh: After reviewing the maps, Alderman Marsh requested to know if the Van Asche extension was still within the box.

Jeremy Pate stated it was and gave a description of the area.

Alderman Marsh: Thinking about future transit planning and how we are hopefully going to run some transit lines around the perimeter of the box, the area you designated for RSF-8 might be a better fit for more high intensity. Why did you make it such a low intensity use?

Jeremy Pate: Part of it is topography. There is quite a bit of terrain there. There are some well-established single-family residential neighborhoods that we don't see changing. Some of them are brand new and still building out. The Council has made some land use decisions in that area that we felt needed to be honored.

Aubrey Shepherd, Citizen stated the item should be tabled. He stated before doing a mass zoning on a parcel that big, they should have the Corp of Engineers delineate the significant portions of wetland.

This ordinance was left on the First Reading.

RZN 14-4916 (956 Ray Avenue/Hodous): An ordinance rezoning that property described in Rezoning Petition RZN 14-4916, for approximately 0.32 acres, located at 956 Ray Avenue from RMF-24, Residential Multi Family, 24 units per acre, to NS, Neighborhood Services.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is supportive. The Planning Commission voted 9-0 in favor of the rezoning. He stated the applicant was unable to attend the City Council meeting.

Alderman Gray moved to suspend the rules and go to the second reading. **Alderman Marsh** seconded the motion. Upon roll call the motion passed 6-1. **Alderman La Tour, Gray, Marsh, Kinion, and Tennant** voting yes. **Mayor Jordan** voted yes. **Alderman Long** voted no. **Alderman Petty and Schoppmeyer** were absent.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams advised the City Council that they might want to consider having the applicant in attendance to discuss the rezoning request.

A discussion followed about the zoning options that were previously discussed with the applicant.

Alderman Marsh moved to suspend the rules and go to the third and final reading. **Alderman Gray** seconded the motion. Upon roll call the motion failed 4-2. **Alderman La Tour, Gray, Marsh, and Kinion** voting yes. **Alderman Tennant and Long** voting no. **Alderman Petty and Schoppmeyer** were absent.

This ordinance was left on the Second Reading

R-PZD 14-4924 (South Shiloh Dr./Hawkins House at Shiloh Village): An ordinance rezoning that property described in Rezoning Petition RZN 14-4924, for approximately 10.74 acres, located at South Shiloh Drive from RMF-24, Residential Multi Family, 24 units per acre, to R-PZD 14-4924, Residential Planned Zoning District Hawkins House.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is supportive. The Planning Commission voted 9-0 in favor of the rezoning.

Alderman Marsh moved to suspend the rules and go to the second reading. Alderman Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty and Schoppmeyer were absent.

City Attorney Kit Williams read the ordinance.

Alderman Marsh 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 Schoppmeyer 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 Petty and Schoppmeyer were absent.

Ordinance 5738 as Recorded in the office of the City Clerk

Amend the Fayetteville Alternative Transportation and Trails Master Plan: A resolution to amend the Fayetteville Alternative Transportation and Trails Master Plan by to clarify that separated bicycle and pedestrian trails are planned for the Interstate 49 Interchanges at Garland Avenue (Highway 112), Wedington Drive (Highway 16) and Martin Luther King, Jr. Boulevard (Highway 62), and to amend the Master Street Plan to add a typical cross section for separated bicycle and pedestrian trails.

City Attorney Kit Williams: This resolution needs to be amended by the document that was handed out tonight.

Jeremy Pate, Director of Development Services gave a brief description of the resolution and amendments.

Alderman Marsh moved to amend the resolution to the new resolution and exhibits that were presented to the Council. Alderman Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty and Schoppmeyer were absent.

Aubrey Shepherd, Citizen stated he would like the trails to be separated for bicyclist and pedestrians.

Alderman Marsh thanked the staff for their hard work.

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

Resolution 38-15 as recorded in the office of the City Clerk

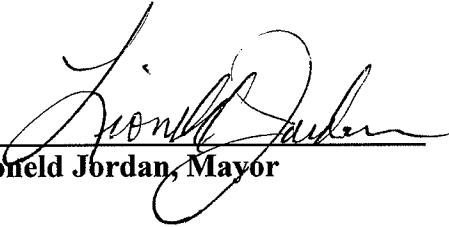
Announcements:

Alderman Gray: We have a number of positions open on Boards, Committees and Commissions. I encourage constituents to apply and serve on a board for our city.

Adjournment: 6:43 p.m.

City Council Agenda Session Presentations: None

City Council Tour: None


Lionel Jordan, Mayor


Sondra E. Smith, City Clerk/Treasurer