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

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

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

City of Fayetteville Arkansas
City Council Meeting
April 21, 2015

A meeting of the Fayetteville City Council was held on April 21, 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, 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 La Tour

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 7, 2015 City Council meeting minutes.

Approved

2014 Animal Services for the Fourth Quarter Donation Revenue: A resolution to approve a budget adjustment in the amount of $15,225.00 representing donation revenue to Animal Services for the fourth quarter of 2014.

Resolution 82-15 as recorded in the office of the City Clerk

Bid #15-21 Frost Oil Company: A resolution to award Bid #15-21 and authorize the purchase of bulk oils and lubricants from Frost Oil Company of Van Buren in variable amounts and for varying unit prices as needed for a term of one year from the date of award with the option to renew for four additional one year terms.

Resolution 83-15 as recorded in the office of the City Clerk

Bid #15-26 Cruse Uniforms & Equipment, Inc.: A resolution to award Bid #15-26 and authorize a one year contract with Cruse Uniforms & Equipment, Inc. in the amount of $15,387.60, with four consecutive one year renewal options, for the purchase of uniforms for the Fayetteville Fire Department.

Resolution 84-15 as recorded in the office of the City Clerk

Amend Resolution No. 162-10 Lierly Lane Subdivision: A resolution to amend Resolution No. 162-10 to revise the site plan for the remainder of the Lierly Lane Subdivision by reducing the number of single family lots to ten and by reconfiguring the public access location to the natural park area.

Resolution 85-15 as recorded in the office of the City Clerk

Casco Industries.: A resolution to authorize a contract with Casco Industries, Inc. for the purchase of variable amounts of replacement bunker gear for the Fayetteville Fire Department for the unit prices of $1,165.00 for structural firefighting personal protective coats and $815.00 for structural firefighting personal protective pants on an as needed basis through March 9, 2018, pursuant to a cooperative bid process through the City of Springdale.

Resolution 86-15 as recorded in the office of the City Clerk

Electra Link, Inc.: A resolution to approve a contract with Electra Link, Inc. through RFP 13-11 for the purchase and installation of an access control system for City Hall and Development Services in the total amount of $69,634.30, to authorize a ten percent (10%) project contingency in the amount of $6,963.43, and to approve a budget adjustment.

Resolution 87-15 as recorded in the office of the City Clerk

Garver, LLC Professional Engineering Services Agreement: A resolution to authorize a professional engineering services agreement with Garver, LLC for on-call engineering services for the airport in an amount not to exceed $20,000.00, and to approve a budget adjustment.

Removed from the Consent Agenda for discussion.

University of Arkansas Memorandum of Understanding: A resolution to approve a Memorandum of Understanding with the University of Arkansas for placement of a University owned gas service line within the City of Fayetteville right of way.

Resolution 88-15 as recorded in the office of the City Clerk

Alderman Kinion moved to accept the Consent Agenda as read. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman La Tour was absent.

The following resolution was removed from the Consent Agenda for discussion.

Garver, LLC Professional Engineering Services Agreement: A resolution to authorize a professional engineering services agreement with Garver, LLC for on-call engineering services for the airport in an amount not to exceed $20,000.00, and to approve a budget adjustment.

Johnny Roscoe, Airport Director gave a brief description of the resolution. He stated what we would like is the contract which brings Garver on board as the Civil Engineering firm as well as the task order for the $20,000.00 on-call work.

City Attorney Kit Williams: We revised the resolution to include both of the items as requested by the Airport.

Alderman Marsh moved to amend the resolution to the new resolution presented to the City Council. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman La Tour was absent.

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

Resolution 89-15 as recorded in the office of the City Clerk

Unfinished Business:

Amend §33.329 Eligibility of Citizen Volunteers: An ordinance to amend §33.329 Eligibility of Citizen Volunteers to Serve on City Boards, Commissions and Committees to remove the restriction on the number of consecutive terms a citizen may serve. ***This ordinance was left on the First Reading at the April 7, 2015 City Council meeting.***

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

City Attorney Kit Williams read the ordinance.

Alderman Long: I brought this forward for the purpose of saying anyone in our citizenry can apply for any of the boards, not an arbitrary rule saying they can't. It gives us the ability as a Council to pick from the best pool of applicants.

Alderman Kinion: I would like to leave it on the Second Reading.

This ordinance was left on the Second Reading

Amend § 72.03 Parking Prohibited in Certain Places: An ordinance to amend § 72.03 Parking Prohibited in Certain Places of the Fayetteville Code by enacting a new subsection to prohibit parking on a city street in front of and blocking a mailbox. ***This ordinance was left on the First Reading at the April 7, 2015 City Council meeting.***

Alderman Gray 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 La Tour was absent.

City Attorney Kit Williams read the ordinance.

Alderman Long: I have talked to constituents and they feel this is necessary. We have a letter from Sarah Harrell, POA President of Crystal Springs Subdivision. They have all their mailboxes on one side of the street. When someone blocks one mailbox, they block more than one. It has become quite a problem in some areas. She has to mediate neighbor disputes and it would be nice to have a legal recourse. Chief Tabor has spoken with many people over the years that have claimed that people were blocking their mailboxes. What do you see is the need here or how do you address these concerns?

Greg Tabor, Chief of Police: I ran a query to see how many complaints we had on people blocking mailboxes. In 2014 we had a total of 20 complaints. Because we haven't had anything that makes this a violation, some citizens may have been dealing with this for years and they know not to call because it isn't illegal.

Alderman Long: Would this be a patrolling situation or complaint driven?

Greg Tabor, Chief of Police: An officer uses his discretion every day. For me to say that if an officer drove by and saw somebody parked in front of a mailbox and he wouldn't take the initiative to write that a person a ticket is probably a stretch. It depends on the circumstances and how busy we are.

Alderman Tennant: If this was complaint driven, could you walk through the process of what that means to your officers?

Greg Tabor, Chief of Police: A call would have to be made to dispatch. When an officer arrives at the location he could run the tag, find the owner and go speak to them. They would be made aware that they can't park there or the officer could elect to write them a ticket. When I think about complaint driven, it's when somebody is calling the Police Department Dispatch Center and making a complaint that their mailbox is blocked.

Alderman Marsh: When somebody calls your Dispatch Center, they are calling 911?

Greg Tabor, Chief of Police: No. They are calling the non-emergency number.

Alderman Gray: I've talked to several people who thought we already had an ordinance. I would be in favor of having an ordinance so the officer can warn the person. I think it would stop at that point.

Greg Tabor, Chief of Police: If someone has been issued a warning it is entered into our record management system. The police officer has access to the system to see if any prior warnings have been issued.

Alderman Petty: What would be the penalty?

City Attorney Kit Williams: I sent you a memo on April 9, 2015 discussing that. It is like all the other prohibited parking ones. $70.00 is the penalty. The judge has discretion.

Alderman Kinion: Do we have to mark these areas as non-parking?

City Attorney Kit Williams No. That is not part of this particular statute. It should be denoted according to another section. We are going to bring forward a section that will explain that a little bit better. There has to be proper notice before someone can be held in violation.

Don Marr, Chief of Staff: We plan to bring a revision to the Council that leaves the traffic superintendent an opportunity, who may mark streets. There are parts of town that we do that currently.

Alderman Tennant: Does the postal service have a federal law?

Greg Tabor, Chief of Police: Not that we can find. The postal service has their own internal rule that tells the postal workers if the mailbox is blocked they are not obligated to leave the mail. We couldn't find any city ordinance, state law or federal law that prohibited that.

Don Marr, Chief of Staff: I spoke to the Post Master and that is the case.

Loraine O'Neal, 3001 West Wedington Drive spoke in opposition of the ordinance.

Peter Tonnessen, 3500 Hearthstone Drive spoke in opposition of the ordinance.

Laura Phillips, 2055 South Kline spoke in favor of the ordinance.

Alderman Long: We looked at the complaint driven portion of it. I wondered if we could write it into the ordinance to be complaint driven, but we can't have selective enforcement. One of the complaints I received from a constituent is that an elderly man was trying to get his medicine out of his mailbox. This is one of the reasons I went forward with this because that is urgent. Sarah

from Crystal Springs Subdivision wanted to talk to her neighbors, but wanted to have something to show them when she did.

Alderman Gray stated that mailboxes are very important and it is an important ordinance to protect our citizens.

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Kinion seconded the motion. Upon roll call the motion failed 3-4. Alderman Kinion, Long, and Gray voting yes. Alderman Petty, Tennant, Schoppmeyer, and Marsh voting no. Alderman La Tour was absent.

Alderman Petty: I'm not against the intention of the ordinance. It is going a little too far in terms of its enforcement. I believe a $70.00 fine is excessive for this violation. I'm fine with it being a violation on the books. I would like to make an amendment.

Alderman Petty moved to amend this section to state the penalty for the first two offenses shall be limited to a warning and the third offense a fine of $25.00. Alderman Marsh seconded the motion.

Alderman Petty withdrew his motion therefore no vote was taken.

City Attorney Kit Williams: Since we are leaving it on the Second Reading, I would suggest if you are going to have different penalties, for this particular sub section in this larger section, which is already covered in the penalty provision that we would need a new section just for this. I would be happy to work with you. I would prefer we leave it on the Second Reading and let me work with Alderman Petty to bring up an amendment that would probably be an entirely new section and not just part of an existing section where the penalty provision is already spelled out in the code.

Alderman Petty: That is fine with me.

A discussion followed about amending the ordinance to include warnings and then a penalty.

Alderman Gray: It is amazing that people do not know that they are not supposed to park in front of mailboxes and feel like it is okay. I think the $70.00 penalty needs to remain.

This ordinance was left on the Second Reading

Public Hearing:

Park Lake Apartments Acquisition and Renovation: A resolution to approve the issuance of not to exceed $50,000,000.00 of the Public Finance Authority Revenue Bonds to finance or refinance certain costs of various projects, including the acquisition and renovation of the 91-unit Park Lake Apartments located at 1753 E. Zion Road, on behalf of American Agape Foundation, Inc. of San Antonio, Texas.

Mayor Jordan opened the Public Hearing.

Paul Becker, Finance Director gave a brief description of the resolution. He stated the city would in no way have any liability for the bonds. He stated they would not be issued in the name of Fayetteville, so therefore we would have no responsibilities as far as project fund or the debt services payments back. He stated this looks like a very good project for the City of Fayetteville.

Star Van Allen, Park Lake Apartments resident spoke in favor of the resolution. He went through a list of repairs needed for the apartments. He stated parking lot lighting was very much needed for safety reasons.

Peter Tonnessen, 3500 Hearthstone Drive: $50 million dollars would work out to be $500,000 per unit. Why is the city considering this if the city isn't on the bonds?

Paul Becker, Finance Director: That's the maximum of a bond issue the authority can issue. There will be several projects bonded together and that holds the transactional cost down. It's not just this project, it will be other projects elsewhere in the United States. It is a federal authorized TEFRA bond and in the legislation that the federal government passed it requires a public hearing in the municipality or locality where the project is being done.

City Attorney Kit Williams: You heard the tenant's description of some of the problems in the apartment complex?

Mike Goodwin, American Agape Foundation: Yes.

City Attorney Kit Williams: How much are you planning to spend on this particular project if these bonds are passed?

Mike Goodwin, American Agape Foundation: Our repairs budget is $582,000.

City Attorney Kit Williams: Will that respond to all the repair items that Mr. Van Allen was talking about?

Mike Goodwin, American Agape Foundation: The one I haven't addressed, but I've got it on the first contingency list, is the parking lot lighting. I didn't put it on the list because I have a local contractor who was supposed to give me a bid to put in high efficiency low energy lighting. If he comes within the contingency I'm going to add that as soon as we can. We are going to change out all the windows and put in sealed double panes throughout the property.

Alderman Tennant: I hope the Council will join me in approval of this. This has been something over the years that has been brought to my attention several times. This apartment complex is very old and the things they are asking for are completely reasonable.

Mayor Jordan closed the Public Hearing.

Alderman Petty moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the resolution passed 7-0. Alderman La Tour was absent.

Resolution 90-15 as recorded in the office of the City Clerk

New Business:

VAC 15-4986 (2991 Labordite Drive/Crystal Springs Subdivision): An ordinance approving VAC 15-4986 submitted by Riverwood Homes, LLC for properties located at 2991 Labordite to vacate portions of an existing utility easement.

City Attorney Kit Williams read the ordinance.

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

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

Ordinance 5763 as Recorded in the office of the City Clerk

Announcements:

Alderman Marsh: There will be a Ward 1 meeting on Thursday, April 23, 2015 at 6:00 p.m. at the Fayetteville Senior Center.

Alderman Long: There will be a Ward 4 meeting on Monday, April 27, 2015 at 6:00 p.m. in Room 111 at City Hall.

Don Marr, Chief of Staff: On April 22, 2015 the City of Fayetteville is celebrating Earth Day. We have an event called "Wild about Earth Day." It is a volunteer event that begins at 12:30 p.m. and goes until 5:30 p.m. We encourage citizens to come out. We will have a litter clean up along

our trails and wildflower planting along the trail system. Mayor Jordan will be a doing an Earth Day proclamation at 12:30 p.m. The event is beginning at the Marion Orton Recycling Center on North Street.

City Council Agenda Session Presentations:

Agenda Session Presentation - Spring Street Municipal Parking Deck update, Jeremy Pate, Developments Services Director.

City Council Tour: None

Adjournment: 6:12 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith

Sondra E. Smith, City Clerk Treasurer