

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
May 19, 2015**

A meeting of the Fayetteville City Council was held on May 19, 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 John 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 May 5, 2015 City Council meeting minutes.

Approved

Rainmaker Sales, Inc.: A resolution to authorize the purchase of an expansion poly trailer from Rainmaker Sales, Inc. of Shawnee, Oklahoma in the amount of \$6,000.00 plus applicable sales taxes for use by the Water and Sewer Operations Division, and to approve a budget adjustment.

Resolution 102-15 as recorded in the office of the City Clerk

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

Unfinished Business: None

New Business:

RZN 15-5033 (232 W. Ash St./Koutroumbis): An ordinance rezoning that property described in Rezoning Petition RZN 15-5033, for approximately 0.30 acres, located at 232 W. Ash Street from RSF-4, Residential Single Family, 4 units per acre to RMF-12, Residential Multi Family, 12 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. Planning Commission voted 6-0 in favor of the request.

Taylor Koutroumbis, Applicant: We have a 0.30 acre lot. It's about one lot off of Gregg Avenue. There is an old house that is at the very front of the lot that we recently remodeled. In the back of it is an open large lot. We would like to take this new zoning of RMF-12 and build a duplex in the back of that lot and then bring in a driveway off of our apartment building on Gregg Avenue to access it.

Alderman Petty: Is this plan to build a duplex any different than the plan you had before?

Applicant: The plan before was to build a triplex. After we talked with a contractor and looked at the lot again, it seemed a duplex would fit better.

Alderman Marsh: I'm glad you brought this back. I think this is a much more appropriate scale for development in this area. It will make a nice transition between the two zones. I intend to support it.

Alderman Petty 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 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 La Tour was absent.

City Attorney Kit Williams read the ordinance.

Alderman Kinion: There has been some voiced concerns by neighbors worrying about the encroachment of multi-family into an established single family neighborhood. Because of that concern I can't support this.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-1. Alderman Kinion voting no. Alderman La Tour was absent.

Ordinance 5770 as Recorded in the office of the City Clerk

VAC 15-5020 (2288 N. Hidden Creek Dr./Kennedy): An ordinance approving VAC 15-5020 submitted by Jeremy Kennedy for property located at 2288 N. Hidden Creek Drive to vacate a portion 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. Staff is recommending approval. Planning Commission voted 7-0 in favor of the request.

Alderman Marsh 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 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 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 Kinion voting no. Alderman La Tour was absent.

Ordinance 5771 as Recorded in the office of the City Clerk

RZN 15-4965 (South End of Ruppel Rd./Ruppel Road Extension Corridor): An ordinance rezoning that property described in Rezoning Petition RZN 15-4965, for approximately 642 acres, located at the southern end of Ruppel Road from R-A, Residential-Agriculture; RSF-1, Residential Single Family one unit per acre; RSF-4, Residential Single Family four units per acre; and RSF-8,

Residential Single Family eight units per acre to NC, Neighborhood Conservation; CS, Community Services, UT, Urban Thoroughfare; and R-A, Residential Agricultural.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is recommending approval. He stated on April 27, 2015 the Planning Commission voted to forward this item 7-0 in favor of staff's proposed rezoning. There were some special considerations they would like for City Council to consider. They would like for them to consider the environmentally sensitive areas discussed at the Planning Commission meetings. Also, the possibility of either a future land use plan amendment to recognize sensitive habitat areas and/or a policy discussion to accept parkland dedication instead of money for preservation of sensitive wet prairie habitat as this property develops. One commissioner recommends the City Council to consider adopting an ordinance for conservation subdivision development patterns in this area. Staff is recommending leaving the item on the First Reading to allow public consumption of the information.

Charlie Sloan, Property Owner stated he owns a part of this property and gave a brief history of the property. He stated he hopes to see a neighborhood park and trail go in and that would be the green space reserved for the public. He would like the creek to be left alone. He stated it is not classified as a wetland.

Aaron Writh, Cobblestone Homes stated he has the property in the northeast corner under contract and spoke in support of the zoning.

Chelsea Frost, 2148 East Frazier Terrace stated her wildlife conservation concerns and requested the item to be held until after the Environmental Action Committee meets.

This ordinance was left on the First Reading.

RZN 15-5004 (South End of Pumpkin Ridge Dr./Falling Waters) Appeal: An ordinance rezoning that property described in Rezoning Petition RZN 15-5004, for approximately 17.37 acres, located south of Pumpkin Ridge Road from R-A, Residential-Agriculture to RSF-2, Residential Single Family, 2 units per acre.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. He stated this is an appeal of a Planning Commission recommended action. Staff is recommending against the rezoning due to infrastructure concerns. Planning Commission voted 8-1 against rezoning.

Robert Rhoads, Attorney for Property Owners Clay Carlton and Mike Lambreth: The PZD that was approved in 2005 was unanimous. That was for 137 acres and around 254 lots. There was no water or sewer there and when the PZD was approved they partnered up with two or three other people and put in \$2.5 million to bring water and sewer underneath the river and 6,300 feet of line

to get it to the site. \$850,000.00 was their share of that. Because of the downturn in the economy they couldn't financially continue on with the project. The work they did along with their partners is now currently being enjoyed by the folks in that part of town.

They could not build, their PZD expired and they paid \$1.5 million in interest over the last ten years. They have a sizable investment in this piece of property. When developers in our city go to the effort financially to try to build something this City Council and Planning Commission at the time salutes, then city leaders need to consider the right thing to do even though ten years has transpired.

What they are proposing is pretty much exactly what that PZD was except, it is not 137 acres, it is 17 acres. They are asking for two lots per acre. They are asking for 30 homes not 34. They can't financially make R-A work. They would be considerate during the construction phase to make it less problematic to neighbors. Drainage will not be a problem because the developers have an agreement with Stonebridge Meadows, who is the largest landowner. The water will drain into the golf course retention ponds, which is what the course uses to water their greens and fairways. The rest of the water drains off across Goff Road into a small lake. The owners plan to adhere to the Hillside Ordinance and their proposed covenants will be even stricter as far as tree preservation.

Mr. Rhoads spoke about the 2030 City Plan and staff's recommendation to keep it zoned R-A. He stated the surrounding area has subdivisions and are twice the density that is being asked for by the Buffington Home property owners. He stated he believes there is adequate infrastructure and services in the area to support the project.

Alderman Marsh: Is the only exit down Cherry Hills and Pumpkin Ridge Drive?

Robert Rhoads: For the 17 acres first stage, yes.

Alderman Marsh: When the Rodgers Drive road collapsed that was a big issue as far as public safety and getting in and out of the neighborhood. It gives me a lot of concerns about any type of residential area with one point of ingress and egress.

Jay Ray, 2050 South Cherry Hills Drive stated water drainage and traffic are his main concerns.

Tom Steven, 3803 East River Bluff Cove stated he didn't know why the only entrance to this subdivision had to be through Stonebridge. He stated the owner could make the entrance off of Dead Horse Mountain.

Wanda Altman, Cherry Hills Drive stated she is concerned about the environmental impact and urban sprawl. She stated Fayetteville's natural beauty, green spaces, mountains and trees are at stake and should be protected by the 2030 City Plan. She spoke in opposition of the ordinance.

Larry Altman, Cherry Hills Drive stated the City of Fayetteville does not need another 35 houses built on a pristine mountainside. He stated examples of places where the mountainside has been stripped and homes have been built. He stated there are serious drainage problems in Stonebridge Meadows. He believes drainage from the new development will increase the drainage problems.

He stated the reason the City Council rezoned this property back to R-A in 2011 was because it fell in line with the City Plan 2030. He voiced his concern about one entrance to the proposed development. He spoke in opposition of the ordinance.

Alderman Long: I have the minutes from the 2011 City Council meeting. When City Council talked about why to rezone it back to R-A, Jeremy thought it would be most appropriate to go back to the previous zoning. Was there a discussion of what was most appropriate for the property?

Jeremy Pate: The minutes don't reflect a lot of discussion. The staff report lays out the recommendation. In looking at the staff report it makes the case for the infrastructure issues that we had discussed.

Alderman Long: So, it was just going back to the previous zoning at the same time?

Jeremy Pate: Yes, it went back to the previous zoning.

Richard Hovey, 1262 South River Meadows Drive voiced his concerns about traffic in the area. He spoke in opposition of the ordinance.

Gregory Carter, Cherry Hills Drive voiced his concern about traffic coming down Cherry Hills Drive. He requested City Council to view the property. He spoke in opposition of the ordinance.

Sue Garland, River Meadows Drive voiced concerns about additional traffic coming through her subdivision and traveling across a small historic bridge. She spoke in opposition of the ordinance.

Tom Luetkemeyer, Cherry Hills Drive voiced his concerns about traffic in the area, the one entrance, and the retention ponds. He requested City Council to view the property. He spoke in opposition of the ordinance.

Sam Divinia, Cherry Hills Drive stated Cherry Hills Drive is not a thoroughfare and can't handle the additional traffic. He spoke in opposition of the ordinance.

Karen Mathes, SpyGlass Hill requested the City Council to view the property after a hard rain. She stated she wanted the property to remain R-A. She spoke in opposition of the ordinance.

Greg Zeck, Oakmont Drive stated he would like for City Council to consider the environment. He spoke in opposition of the ordinance.

Alderman Long: I would like to hold it.

Alderman Tennant: We have been invited to tour it.

Don Marr, Chief of Staff: The City Council sets up tours at Agenda Session.

This ordinance was left on the First Reading.

Amendment of the Master Street Plan: A resolution to amend the Master Street Plan by removing a bridge connection on Raven Lane over Clabber Creek south of Crystal Springs Phase III.

Jeremy Pate, Director of Development Services stated the applicant requested to table the item to June 16, 2015.

Alderman Petty moved to table the resolution to the June 16, 2015 City Council meeting. **Alderman Marsh** seconded the motion. Upon roll call the motion passed 7-0. **Alderman La Tour** was absent.

This resolution was Tabled to the June 16, 2015 City Council meeting.

Amend §162.01 (B)(2) to Add “Landscape Contracting Business”: An ordinance amending Unified Development Code §162.01 (B)(2) to add “Landscape Contracting Business” as a use allowed by conditional use permit in all zoning districts.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. He stated he spoke with Alderman Tennant and thanked him for his support. Staff believes this is a good amendment for City Code and recommends approval.

Alderman Tennant: When this was brought to my attention I was surprised that we didn’t already have it this way. I feel it levels the playing field. It doesn’t give any advantage because you still have to go before the Planning Commission. This helps local businesses.

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 La Tour** 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 Long** 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 5772 as Recorded in the office of the City Clerk

Amend §167.04 (J)(3) Off-Site Forestation: An ordinance to amend §167.04 (J)(3) *Off-Site Forestation* to authorize the City Council to allow forestation within a nearby city park if determined by the City Council to be in the best interests of our citizens.

City Attorney Kit Williams read the ordinance.

Derek Linn, Urban Forester gave a brief description of the ordinance. Staff is recommending approval.

City Attorney Kit Williams: Thank you to the Urban Forestry Department. A situation occurred where there was a large number of mitigation trees a developer needed to plant. He could have put them altogether, in a small piece of land he owned right by the neighborhood, but he is very close to another city park that needs some trees. Parks & Recreation staff and I thought it would make sense that if a developer would agree to plant and maintain trees in a city park that needs them then we should have the option for the City Council to be able to agree to that.

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 La Tour was absent.

City Attorney Kit Williams read the ordinance.

Alderman Marsh: Is there a reason we are limiting this to city parks and not including street right-of-ways?

City Attorney Kit Williams: There is already requirements for street trees with new developments.

Jeremy Pate: Our landscape ordinance requires street trees to be planted with at least one per lot for residential developments along all the public streets.

Alderman Marsh: I'm thinking in terms of these being mitigation trees. If we needed to put a whole bunch of new street trees along some area where we have been needing to add some trees, this seems like a good opportunity to make that happen.

City Attorney Kit Williams: I did not present that to the Urban Forestry Department. I don't have any problems with that if you would want that to be an option. With infilling street trees I don't know if irrigation is going to be feasible, where it would be in the park.

A discussion followed about the planting of trees in designated locations that could benefit the area.

Don Marr, Chief of Staff: If Council is going to amend it, go ahead and amend tonight. I don't see a downside to it since it has to have City Council approval to be planted in these other locations. You will have control whether they are allowed or not.

Alderman Marsh moved to Amend Section B of the ordinance to add “or public right-of-way”. Alderman Petty seconded the motion. Upon roll call the motion to amend passed 6-0. Alderman Schoppmeyer was absent during the vote. Alderman La Tour was absent.

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 La Tour was absent.

City Attorney Kit Williams read the ordinance.

Alderman Petty: Thank you to Alderman Marsh for her foresight. We don’t often realize it, but our streets make up more than half of the public space available in the city. We tend to think of them as travel ways for vehicles. It is appropriate for us to think of them as front yards, parks or places to do business. We need to rethink the way we frame streets and trees are a big part of that.

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

Ordinance 5773 as Recorded in the office of the City Clerk

Amend Article IX Telecommunications Board: An ordinance to amend Article IX Telecommunications Board of the Code of Fayetteville to conform to changes in state law and to clarify definitions and duties of the board.

City Attorney Kit Williams read the ordinance.

Lindsley Smith, Communication Director gave a brief description of the ordinance. Staff is recommending approval.

Alderman Marsh 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 Marsh 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 5774 as Recorded in the office of the City Clerk

Announcements:

Don Marr, Chief of Staff: City offices will be closed on Monday, May 25, 2015 for the Memorial Day holiday.

On Thursday, May 21, 2015 the Parks & Recreation Department is holding a public hearing for the 2016 Outdoor Recreational Grant program. They will be taking feedback from citizens regarding needs for our parks and outdoor areas. It will be at 5:30 p.m. at Lifestyles Incorporated at 2590 West Sycamore Street.

City Attorney Kit Williams thanked Lindsley Smith, Communication Director for her service to the City of Fayetteville and wished her well with her retirement.

Lindsley Smith, Communication Director: Thank you very much. You all are wonderful public servants and thank you for all that you do.

Mayor Jordan, Don Marr and Sondra Smith all stated they would miss her very much.

Don Marr: This week at Vandergrift Elementary School will be the Charlie Brown Book Sale. The proceeds will benefit the Fayetteville Animal Shelter. It is the largest fundraiser for our animal shelter. The community donates 13,000 to 15,000 books to this amazing event and raised over \$22,000 for the shelter in the last sale.

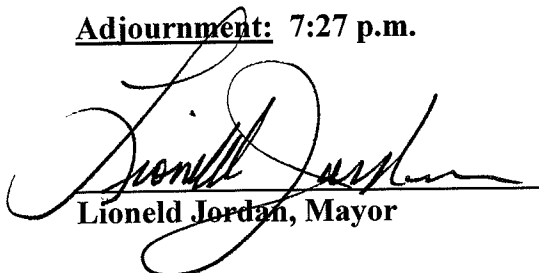
Alderman Long: Due to the holiday we will not be having a Ward 4 meeting on May 25, 2015.

City Council Agenda Session Presentations:

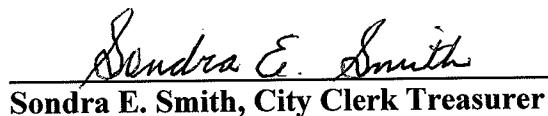
Agenda Session Presentation - CH2M Annual Report. Billy Ammons

City Council Tour: None

Adjournment: 7:27 p.m.



Lioneld Jordan, Mayor



Sondra E. Smith, City Clerk Treasurer