

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
July 7, 2015**

A meeting of the Fayetteville City Council was held on July 7, 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, John La Tour, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Martin Schoppmeyer

Pledge of Allegiance:

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items:

Advertising and Promotion Commission Appointment Report

Alderman Kinion presented the Advertising and Promotion Commission Appointment report. The Nominating Committee recommended the appointment of Robert Rhoads.

A copy of the report is attached.

Alderman Long moved to approve the report. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-0. Alderman Schoppmeyer was absent.

Agenda Additions: None

Consent:

Approval of the June 16, 2015 City Council meeting minutes.

Approved

RFP #15-05 Challenger Teamwear: A resolution to award RFP #15-05 and authorize a contract with Challenger Teamwear for the purchase of youth soccer uniforms in the amount of \$12.15 plus tax per uniform for the Fall 2015 and Spring 2016 seasons, with an option to renew for the Fall 2016 and Spring 2017 seasons.

Resolution 109-15 as recorded in the office of the City Clerk

Hazmat Services Revenue: A resolution to approve a budget adjustment recognizing Hazmat Services revenue received by the Fire Department from Washington County in the amount of \$1,726.00 and increasing the related expense budget.

Resolution 110-15 as recorded in the office of the City Clerk

Fayetteville Police Department Policies: A resolution to approve Fayetteville Police Department policies 22.2.8 Military Activations, 22.3 Secondary Employment, 41.1.1 Patrol, and 61.4.3 Towed Vehicles.

Resolution 111-15 as recorded in the office of the City Clerk

Tri Star Contractors, LLC: A resolution to award Bid No. 15-35 and authorize a contract with Tri Star Contractors, LLC in the amount of \$252,500.00 for construction services for the Airport Terminal Apron Rehabilitation Project, to approve Change Order No. 1 to the contract with Tri Star Contractors, LLC in the amount of \$197,500.00 to increase certain quantities of concrete repair, to approve a 5% project contingency, to accept a 90/10 grant from the Arkansas Department of Aeronautics in the amount of \$470,700.00, and to approve a budget adjustment.

Resolution 112-15 as recorded in the office of the City Clerk

McClelland Consulting Engineers, Inc. Agreement No. 1: A resolution to approve supplemental Agreement No. 1 to the contract with McClelland Consulting Engineers, Inc. in the amount of \$164,480.71 for additional engineering services associated with the rehabilitation of the historic Maple Street and Lafayette Street Bridges, and to approve a budget adjustment.

Resolution 113-15 as recorded in the office of the City Clerk

Watershed Conservation Resource Center Task Order No. 3: A resolution to approve Task Order No. 3 with the Watershed Conservation Resource Center for the design and construction of a stream restoration project on an unnamed tributary of Cato Springs Branch near the southern boundary of the Regional Park and for a feasibility analysis of the removal of an existing dam on the West Fork of the White River.

Resolution 114-15 as recorded in the office of the City Clerk

College Marketplace (Fayetteville), LLC: A resolution to authorize a contract with College Marketplace (Fayetteville), LLC in the amount of \$186,202.50 for payment of the costs associated with the installation of a traffic signal at College Avenue and Masonic Drive, and to approve a budget adjustment.

Resolution 115-15 as recorded in the office of the City Clerk

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

Unfinished Business:

RZN 15-5044 (4065 E. Huntsville Rd./The Plaza): An ordinance rezoning that property described in Rezoning Petition RZN 15-5044, for approximately 16.02 acres, located at 4065 E. Huntsville Road from R-PZD 08-3071, Residential Planned Zoning District Bridgedale Plaza to RSF-7, Residential Single Family, 7 Units Per Acre, NS, Neighborhood Services, and CS, Community Services. *At the June 2, 2015 City Council meeting, this ordinance was left on the first reading. At the June 16, 2015 City Council meeting, this ordinance was left on the second reading.*

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 Schoppmeyer was absent.

City Attorney Kit Williams read the ordinance.

Andrew Garner, City Planning Director stated he was available to answer any questions.

Glenda Patterson, 1106 St. Andrews Circle stated her concerns about traffic and flooding. She stated that additional personal services in this area are not necessary. She spoke in opposition of the ordinance.

Clint McDonald, Developer, 1385 South Roberts Road: During the development we will provide ingress and egress on the north side onto Highway 16. On the south side of the development there is already an ingress and egress provided. We are providing an ingress and egress on the west side

onto River Meadows. During the development we will provide a stub out into undeveloped land to the east for future development so it can connect to Roberts Road. The residents of this development will have no need to use River Meadows Drive. We plan to have no more than 57 lots, which is 4.7 lots per acre.

Alderman La Tour: It would be a deprivation of service to the public to say a business is not needed. I can't go along with the fact that someone would state that additional services aren't needed. We need robust competition to ensure consumers are getting the best product or service at the lowest possible price.

Alderman Marsh: I take the recommendation of the staff and Planning Commission seriously. I feel the proposed zoning is compatible with adjacent land uses. I am concerned about the stormwater, especially with it that close to the White River.

Alderman Petty: I think I'm going to vote against it and not because it's a bad proposal. We have a huge gap in the zoning designations that we offer between Neighborhood Services and Community Services. Community Services isn't appropriate for an edge development like this. Something more modern in scale would be appropriate. Traffic on this stretch of road is a nightmare because of developments that are already out there. Development on the edge, at low density, forces everybody onto one street to get in and out of town for services. I'm not willing to make it worse by encouraging more development on it.

Alderman Kinion: It's not a compatibility issue at this point, but we have a safety issue already out there. Until there is appropriate accommodation and management of the traffic in this area, I think safety is a real concern. We have not stepped forward to handle the traffic issue in advance of this zoning change. I worry about the management of the stormwater runoff. We have conditions that could impair the waterway that is already on the edge of an impairment. We need to be sure that we have the storm bank preservation in order before we offer more drainage into this area. I can't support this as it is written.

Alderman Gray: I agree with what I have been hearing. I agree with Alderman La Tour that we need to allow folks to build and develop, but the traffic out there is unbelievable. I can't allow more development until we have made sure we have that traffic under control.

Alderman La Tour: If you think traffic is bad on Highway 16, try going down Wedington Road during the high traffic times of the day. That argument can be used to shut down construction all over our city. I'm not saying traffic is a problem we should ignore, but if there is a traffic problem, I don't view that as a private problem caused by development. I view that as a failure of government, not keeping infrastructure up with the development. I know it is not the responsibility of the city to expand from two lanes to four lanes. It is a state function. We are always concerned about safety. Our city is growing because it is a good place to live. Engineers should be able to fix drainage problems. We can ask the developer to come up with a plan to address each one of these concerns.

Alderman Long: I respect the opinion of the Planning Commission and staff's recommendation of approval. I don't see the RSF-7 and Neighborhood Services as prudent for the area. The Community Services aspect of this is adding a viable resource to the community.

Alderman Long moved to amend the ordinance to rezone the entire property to Community Services. The motion died for lack of a second.

A discussion followed about the possibility of other development scenarios being brought forward in the future.

City Attorney Kit Williams: You might ask the developer if he would like the City Council to table the item. He could get with the Planning Department and come back with something that might be more acceptable.

Clint McDonald, Developer stated he would like the item to be tabled.

Alderman Petty moved to table the ordinance to the July 21, 2015 City Council meeting. Alderman Long seconded the motion. Upon roll call the motion passed 7-0. Alderman Schoppmeyer was absent.

This ordinance was Tabled to the July 21, 2015 City Council meeting.

Place Holder: Maple Street & Lafayette Street Bridge Rehab: A resolution to award a contract in the amount of \$X,XXX,XXX.XX to Contractor, Inc. for the construction of the Maple Street & Lafayette Street Bridge Rehab, approve a project contingency of \$XXX,XXX.X (5%), and approve a budget adjustment. *At the June 16, 2015 City Council meeting, this resolution was tabled to the July 7, 2015 City Council meeting.*

Chris Brown, City Engineer stated bids were received for the project, but did not receive a bid that could be awarded. He stated it was higher than the amount certified. He stated they are contacting additional contractors to get it out for bid and will come back with a bid to award to a contractor. He requested the item to be tabled indefinitely.

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

This resolution was Tabled Indefinitely.

New Business:

Alderman Long moved to move the last item of New Business, Amend Chapter 92 Animals to the first item of New Business. Alderman Kinion seconded the motion. Upon roll call the motion passed 6-1. Alderman La Tour voting no. Alderman Schoppmeyer was absent.

Amend Chapter 92 Animals: An ordinance to Amend Chapter 92 **Animals** of the Fayetteville City Code to provide protection for animals from being confined in enclosed vehicles in extreme temperatures, to prohibit deceptive acts and misrepresentations regarding the origin of animals turned into the Fayetteville Animal Shelter, and to make other technical revisions.

City Attorney Kit Williams read the ordinance.

Justine Lentz, Animal Services Superintendent gave a brief description of the ordinance. She stated that the Animal Services Advisory Board unanimously endorsed the proposed amended ordinance.

Alderman La Tour: How do you determine the residence of a dog or cat?

Justine Lentz: With this particular ordinance it talks about the residency of the person. We ask for a photo identification if you are turning over an animal you own. If it is a stray we have to take them on their word.

A discussion followed about the ability to determine if a stray animal is from Fayetteville.

Alderman La Tour: I can't leave my animal in the car if the temperature is 70 degrees or higher, but you won't write a citation unless the internal temperature is 100 degrees or higher?

Justine Lentz: It has to be at least 70 degrees for us to respond. In order for us to write a citation it would have to be 100 degrees or more.

City Attorney Kit Williams: It's a two part test. It could be more than a 100 degrees in there and has to be also at least 70 degrees outside. It could be 69 degrees outside and you park in the middle of a wide lot with no shade and your sunroof is open and it gets more than 100 degrees in there, you can't write a citation until it hits 70 degrees outside.

Alderman La Tour: That makes it more lenient for the pet owner. I find it inconsistent that you are reducing the number of days to claim a pet from ten to seven days, but you maintain that you want to reunite the pet with its original owner. When I go on vacation, I am usually gone for more than seven days.

A discussion followed about the well-being of an animal that is being held at the shelter and that many do not do well in a shelter environment for ten days.

Alderman Long: When someone is out of the country and it would be another ten days before they can get back, would the Pets in Crisis program kick in to hold the animal at the shelter?

Justine Lentz: Absolutely.

Michael Collins, 1625 North Giles Road: If a tenant owes \$200 on a pet and can send his neighbor to go get it for \$50 and they can't do that anymore, they might opt to let it get euthanized. There could be some type of arbitration process for fines that bring it down to a more reasonable level.

A discussion followed about abortion rights.

Alderman Long: The word “destroy” and “destroyed” are used in several sections. It should be amended to the word euthanized.

City Attorney Kit Williams stated the amendment had a new Section 4 and will change all instances of the words “destroy” or “destroyed” to “euthanize” or “euthanized” when referring to an animal.

Alderman Long moved to amend changing the words “destroy” or “destroyed” to “euthanize” or “euthanized” when referring to an animal. **Alderman La Tour** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Schoppmeyer** was absent.

Alderman Marsh moved to suspend the rules and go to the second reading. **Alderman Long** seconded the motion. Upon roll call the motion passed 6-1. **Alderman La Tour** voting no. **Alderman Schoppmeyer** 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 Gray** seconded the motion.

Alderman La Tour: Are we going to pass it all tonight and is there some hurry? The law provides for three readings and normally that is three separate City Council meetings. It gives people time to learn about what we are doing and to express an opinion. I don’t see the need to pass it in one sitting. I urge us to take our time and do it the right way.

Mayor Jordan: Would the Alderman like to withdraw the motion to take it to the third and final reading?

Alderman Marsh: No. We are expecting over a 100 degree weather this next week. We need all the tools we can to keep animals in our community safe.

Upon roll call the motion passed 6-2. **Alderman La Tour** and **Tennant** voting no. **Mayor Jordan** voting yes. **Alderman Schoppmeyer** was absent.

City Attorney Kit Williams read the ordinance.

Alderman Long thanked the Animal Services staff for their work on the ordinance. He believes it is urgent to pass the ordinance.

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

Ordinance 5782 as Recorded in the office of the City Clerk

Evans Construction and Remodeling, LLC: A resolution to authorize a contract with Evans Construction and Remodeling, LLC in the amount of \$24,855.00 for Community Development Block Grant rehabilitation of an eligible residence located at 3295 W. Old Farmington Road.

Yolanda Fields, Community Resources Director gave a brief description of the resolution.

Alderman La Tour: How many people work with you?

Yolanda Fields: In Community Development, I have three full time and one part time, temporary.

Alderman La Tour requested information on how an individual is chosen.

Yolanda Fields: An individual applies. There is not a choosing. If they are eligible and they meet all the criteria, then we will work on their home. It is not a contest.

Alderman La Tour: Suppose there are ten people that are qualified and they all apply. How do you distinguish between the ten?

Yolanda Fields: They will all be served. The challenge that we have is finding contractors to do the work. Individuals apply and we look to make sure they qualify. We may have to push them over to the next year because of weather or bids, but they will get the work done.

Alderman La Tour: Where does the money come from to fund this activity?

A discussion followed about the program being funded by Housing and Urban Development which assists low to moderate income individuals.

Alderman La Tour: The qualifications listed says they have to own their home for at least a year. You didn't list an income qualification.

Yolanda Fields: For one individual it is \$32,900. For this particular contract we have a family of six and they can't exceed \$54,500. This family meets that criteria.

Alderman La Tour: I am philosophically opposed to spending federal tax dollars on a local level. Those tax dollars came from working people who are paying their tax bill. It came from Social Security taxes. I find it unpleasant that we are part of a system that is taking dollars from other places and injecting them here. This perpetuates an \$18 trillion debt that our country is in.

Yolanda Fields: A lot of the folks that we work with, they do work. They have jobs, they just don't make enough to take care of the needs they have.

Alderman Long moved to approve the resolution. **Alderman Marsh** seconded the motion. Upon roll call the resolution passed 6-1. **Alderman La Tour** voting no. **Alderman Schoppmeyer** was absent.

Resolution 116-15 as recorded in the office of the City Clerk

Webtech Wireless, Inc.: An ordinance to waive the requirements of formal competitive bidding and approve a thirty six (36) month contract with Webtech Wireless, Inc. for fleet management tracking services in the amount of \$50,444.00, plus applicable sales taxes and shipping costs.

City Attorney Kit Williams read the ordinance.

Terry Gulley, Transportation Services Director gave a brief description of the ordinance.

Alderman La Tour: I congratulate and thank you.

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 Schoppmeyer** 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 Schoppmeyer** 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 Schoppmeyer** was absent.

Ordinance 5783 as Recorded in the office of the City Clerk

RZN 15-5075 (NE Corner Van Asche & Steele Blvds./CMN Lots 8 & 14): An ordinance rezoning that property described in Rezoning Petition RZN 15-5075, for approximately 17.70 acres, located at the Northeast corner of Van Asche and Steele Blvds. from C-2, Thoroughfare Commercial to C-3, Central Commercial.

City Attorney Kit Williams read the ordinance.

Andrew Garner, City Planning Director gave a brief description of the ordinance. The Planning Commission voted in favor of the request. Staff is recommending approval.

Alderman Petty: What was staff's recommendation on the Uptown Project?

Andrew Garner: We recommended in favor of that.

Alderman Petty: You didn't have a Council policy precedent for that one?

Andrew Garner: Correct.

Tom Henley, Crafton Tull: I'm representing Thompson Thrift Development. It is not a true form-based development, but there is enough variety that I believe it will be looked upon with favor by the Planning Commission. The client asked that if Council saw fit to vote in favor of the rezoning, due to the time sensitive nature of the real estate contract, that you consider suspending the rules and doing all three readings for the rezoning tonight.

Andrew Garner gave a brief explanation describing zoning definitions.

Alderman La Tour urged City Council to give the applicant what they are requesting.

Alderman Gray moved to suspend the rules and go to the second reading. **Alderman Tennant** seconded the motion. Upon roll call the motion passed 6-1. **Alderman Petty** voting no. **Alderman Schoppmeyer** was absent.

City Attorney Kit Williams read the ordinance.

Alderman Petty: If this was to remain C-2 and the applicant went for a conditional use permit to do multi-housing, would the Planning Commission be able to install conditions that would require an urban form?

Andrew Garner: I don't believe so. The only option for multi-family in the C-2 is when it's accessory to commercial. The conditional use is not viable for a completely residential project.

Mayor Jordan: What was the vote of the Planning Commission?

Andrew Garner: It was 6-2-0.

Alderman La Tour moved to suspend the rules and go to the third and final reading. **Alderman Kinion** seconded the motion. Upon roll call the motion passed 6-2. **Alderman Petty** and **Marsh** voting no. **Mayor Jordan** voting yes. **Alderman Schoppmeyer** was absent.

City Attorney Kit Williams read the ordinance.

Alderman Kinion: I prefer to see a form-based code, but we can move forward with this development because of the compatibility with the zoning we previously did down the street.

Alderman Marsh: I like the general idea of what they are proposing. I would support a form-based rezoning, but I can't support the C-3.

Alderman Petty: We made a mistake with the rezoning decision before. We lucked out that the developer chose to exercise the option to do an urban form in their development.

Alderman La Tour: Let me remind us all who has the most risk. The developer signs the note or invests their own money into the project. They take the business risk when they develop it. We have very little at stake here. We should defer to their judgment.

Alderman Petty: The idea that the City of Fayetteville has nothing to lose with development decisions is farcical. Every development that fails is a problem we have to clean up. The reason we have zoning is to protect the city from failed development.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-2. Alderman Petty and Marsh voting no. Alderman Schoppmeyer was absent.

Ordinance 5784 as Recorded in the office of the City Clerk

VAC 15-5089 (3215 North Hills Blvd.): An ordinance to approve VAC 15-5089 submitted by USI Engineers for property located at 3215 North Hills Boulevard to vacate a portion of an existing utility easement.

City Attorney Kit Williams read the ordinance.

Andrew Garner, City Planning Director gave a brief description of the ordinance.

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 Schoppmeyer 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 Schoppmeyer 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 Schoppmeyer was absent.

Ordinance 5785 as Recorded in the office of the City Clerk

Announcements:

Don Marr, Chief of Staff: On July 9, 2015 at 7:00 p.m. we have our Gulley Park concert.

On July 10, 2015 is the rescheduled Dive-In Movie. The movies are free to the public.

The Walton Arts Center renovation project has begun on Dickson Street. Sidewalk access in this area will be affected during construction. Temporary adjustments will be made to ensure that sidewalks remain ADA accessible.

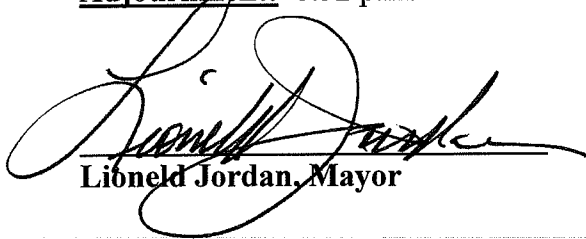
Alderman Marsh: With all the rain we've had and the excessive rate of vegetation growth, I encourage everyone to look at the sidewalks in front of your house or business and trim back any bushes to leave a clear path for walkers.

Don Marr: The cleaning of sidewalks is the responsibility of property owners.

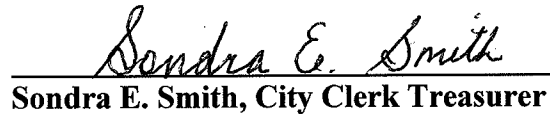
City Council Agenda Session Presentations: None

City Council Tour: None

Adjournment: 6:52 p.m.



Lioneld Jordan, Mayor



Sondra E. Smith, City Clerk Treasurer

Nominating Committee Report

Members Present – Chair Mark Kinion, Sarah Marsh, Martin Schoppmeyer, and Alan Long

The Advertising and Promotion Commission recommends the following candidate for appointment:

ADVERTISING AND PROMOTION COMMISSION

Robert Rhoads – One unexpired term ending 03/31/17