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
January 5, 2016

A meeting of the Fayetteville City Council was held on January 5, 2016 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, Matthew Petty, Justin Tennant, Martin Schoppmeyer, John La Tour, Mayor Lioneld Jordan, City Attorney Kit Williams, Deputy City Clerk Lisa Branson, Staff, Press, and Audience.

Alderman Tennant arrived after roll.

ABSENT: Alderman Mark Kinion and Alderman Alan Long

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items:

Election of Vice Mayor

Alderman Petty moved to nominate Alderman Sarah Marsh as Vice Mayor. Upon roll call Alderman Sarah Marsh was elected as Vice Mayor with a vote of 4-1. Alderman La Tour nominated Alderman Justin Tennant. Alderman Long and Kinion were absent.

Alderman Sarah Marsh was elected as Vice Mayor

Firemen's and Policemen's Pension Report

Mayor Jordan presented the report on the Firemen's Pension and Policemen's Pension to the City Council.

A copy of the report is attached.

Fayetteville Housing Authority Appointment

Alderman Marsh read the recommendation from the Fayetteville Housing Authority to appoint the following:

Mike Emery, term ending December 28, 2020.

Alderman Marsh moved to approve the appointment of Mike Emery. Alderman Gray seconded the motion. Upon roll call the motion passed 5-1. Alderman La Tour voting no. Alderman Long and Alderman Kinion were absent.

Agenda Additions: None

Consent:

Bale Chevrolet: A resolution to approve the purchase of a non-motor pool replacement vehicle from Bale Chevrolet in the amount of $37,242.00 with options, pursuant to a state procurement contract, for use by the Police Department.

Resolution 01-16 as recorded in the office of the City Clerk

Jail Services Interlocal Agreement: A resolution to approve an amendment to the jail services interlocal agreement with Washington County, Arkansas continuing fees at $60.00 per booked prisoner for 2016.

Resolution 02-16 as recorded in the office of the City Clerk

Arkansas Firewise Grant: A resolution to authorize acceptance of an Arkansas Firewise Grant from the Arkansas Forestry Commission in the amount of $500.00 for use by the Fire Department, and to approve a budget adjustment.

Resolution 03-16 as recorded in the office of the City Clerk

Fire Department Donation Revenue: A resolution to approve a budget adjustment in the amount of $1,000.00 representing donation revenue from the Bank of Fayetteville to the Fayetteville Fire Department for the annual employee service awards event.

Resolution 04-16 as recorded in the office of the City Clerk

Assistance to Firefighters Grant: A resolution to authorize an application for a 90/10 assistance to Firefighters Grant from the Federal Emergency Management Agency in the amount of $675,000.00 for the purchase of a mobile live-fire training simulator for the Fire Department.

Resolution 05-16 as recorded in the office of the City Clerk

Bid #16-01 Reflectorized Paint Markings: A resolution to award Bid #16-01 and authorize the purchase of reflectorized paint markings from Asphalt Striping Service, LLC in variable amounts and for varying unit prices as needed through the end of 2016 for use by the Transportation Services Department.

Resolution 06-16 as recorded in the office of the City Clerk

Bid #16-02 Curb and Gutter Construction: A resolution to award Bid #16-02 and authorize the purchase of curb and gutter construction from Fochtman Enterprises, Inc. as a primary supplier and Tomlinson Asphalt as secondary supplier in variable amounts and for varying unit prices as needed through the end of 2016.

Resolution 07-16 as recorded in the office of the City Clerk

Bid #16-04 Truck Hauling Services: A resolution to award Bid #16-04 and authorize the purchase of truck hauling services from S&R Trucking for variable unit prices and to authorize the use of other bidders based on price and availability as needed through the end of 2016.

Resolution 08-16 as recorded in the office of the City Clerk

Bid #16-05 Concrete Purchase: A resolution to award Bid #16-05 and authorize the purchase of concrete from Tune Concrete Company as primary supplier and GCC Ready Mix as secondary supplier in variable amounts and to authorize the use of other bidders based on price and availability as needed through the end of 2016.

Resolution 09-16 as recorded in the office of the City Clerk

Bid #16-06 Aggregate Materials: A resolution to award Bid #16-06 and authorize the purchase of aggregate materials for varying unit prices from various vendors, as needed through the end of 2016.

Resolution 10-16 as recorded in the office of the City Clerk

Bid #16-08 Hillside Gravel: A resolution to award Bid #16-08 and authorize the purchase of hillside gravel from Les Rogers, Inc. in variable amounts and for varying unit prices as needed through the end of 2016.

Resolution 11-16 as recorded in the office of the City Clerk

Bid #16-09 Plastic Drainage Pipe: A resolution to award Bid #16-09 and authorize the purchase of plastic drainage pipe for varying unit prices from various vendors, as needed through the end of 2016.

Resolution 12-16 as recorded in the office of the City Clerk

Bid #16-10 Concrete Drainage Pipe: A resolution to award Bid #16-10 and authorize the purchase of concrete drainage pipe from Scurlock Industries as primary supplier and Forterra Pipe and precast as secondary supplier in variable amounts and for varying unit prices as needed through the end of 2016.

Resolution 13-16 as recorded in the office of the City Clerk

Bid #16-11 Topsoil Purchase: A resolution to award Bid #16-11 and authorize the purchase of topsoil from Les Rogers, Inc. in the amount of $12.40 per cubic yard delivered and $8.50 per cubic yard picked up in variable amounts as needed through the end of 2016.

Resolution 14-16 as recorded in the office of the City Clerk

Bid #16-12 Preformed Thermoplastic Pavement Markings: A resolution to award Bid #16-12 and authorize the purchase of preformed thermoplastic pavement markings from Flint Trading, Inc. in variable amounts and for varying unit prices as needed through the end of 2016.

Resolution 15-16 as recorded in the office of the City Clerk

Bid #16-13 Retaining Wall Blocks: A resolution to award Bid #16-13 and authorize the purchase of retaining wall blocks from Arrowhead Precast, LLC as primary supplier and Industrial Precast, Inc. as secondary supplier in variable amounts and for varying unit prices as needed through the end of 2016.

Resolution 16-16 as recorded in the office of the City Clerk

Bid #16-14 Cold Asphalt Concrete: A resolution to award Bid #16-14 and authorize the purchase of cold asphalt concrete from APAC Central in variable amounts for a unit price of $95.00 per ton as needed through the end of 2016.

Resolution 17-16 as recorded in the office of the City Clerk

Bid #16-15 Waste Disposal Services: A resolution to award Bid #16-15 and authorize the purchase of waste disposal services for construction debris from S&R Trucking Winslow, LLC and Holtzclaw Excavating, Inc. in the amount of $10.00 per load as needed through the end of 2016.

Resolution 18-16 as recorded in the office of the City Clerk

Superior Automotive Group Chevrolet Tahoe 4x4 Special Service Vehicles: A resolution to approve the purchase of two (2) Chevrolet Tahoe 4x4 Special Service Vehicles from Superior Automotive Group of Siloam Springs in the total amount of $72,264.00, pursuant to a state procurement contract, for use by the Fire Department.

Resolution 19-16 as recorded in the office of the City Clerk

Superior Automotive Group Police Package Chevrolet Tahoes Expansion: A resolution to approve the purchase of three (3) Police Package Chevrolet Tahoes from Superior Automotive group of Siloam Springs in the total amount of $99,867.00, pursuant to a state procurement contract, for use by the Police Department, and to approve a budget adjustment.

Resolution 20-16 as recorded in the office of the City Clerk

Superior Automotive Group Police Package Chevrolet Tahoes Replacement: A resolution to approve the purchase of three (3) Police Package Chevrolet Tahoes from Superior Automotive group of Siloam Springs in the total amount of $99,867.00, pursuant to a state procurement contract, for use by the Police Department.

Resolution 21-16 as recorded in the office of the City Clerk

Superior Automotive Group 2016 Chevrolet Traverse: A resolution to approve the purchase of a 2016 Chevrolet Traverse from Superior Automotive Group of Siloam Springs in the amount of $23,329.85, pursuant to a state procurement contract, for use by the Police Department.

Resolution 22-16 as recorded in the office of the City Clerk

Hugg & Hall Equipment: A resolution to approve the purchase of a Volvo MC135C Skid Steer from Hugg & Hall Equipment of Springdale in the amount of $47,221.00, pursuant to a Houston-Galveston Area Council cooperative purchasing contract, for use at the West Side Wastewater Treatment Facility.

Resolution 23-16 as recorded in the office of the City Clerk

The Bicycle Coalition of the Ozarks: A resolution to approve a one year contract with automatic renewals for four additional one year terms with the Bicycle Coalition of the Ozarks for Bicycle Programs Coordinator services at an hourly rate of $16.67.

Resolution 24-16 as recorded in the office of the City Clerk

2015 Sales and Use Tax Bonds for Street Projects: A resolution to approve budget adjustments in the amount of $8,914,876.00 to appropriate proceeds from the 2015 Sales and Use Tax Bonds for street projects.

Resolution 25-16 as recorded in the office of the City Clerk

Compensation for Elected Officials: A resolution to allow the City Attorney as all other city employees who have attained their top salary range to receive a one-time service award.

Resolution 26-16 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 5-1. Alderman La Tour voting no. Alderman Long and Alderman Kinion were absent.

Unfinished Business:

RZN 15-5194 Villas at Stonebridge (Various Expired PZD Locations/Expired PZDs): An ordinance to rezone that property described in Rezoning Petition RZN 15-5194 for approximately 53.03 acres located at east of Riverwalk Subdivision on Dead Horse Mountain Road from RPZD 06-2170 (Villas at Stonebridge) to R-A, Residential-Agricultural. *At the December 15, 2015 City Council meeting, this ordinance was left on the first reading.*

Alderman Gray moved to suspend the rules and go to the second reading. Alderman Tennant seconded the motion. Upon roll call the motion passed 6-0. Alderman Long and Alderman Kinion were absent.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff recommends approval. The Planning Commission voted 6-1 in favor of the request. He stated the applicant has offered a Bill of Assurance.

Robert Rhoads, Attorney for the Applicant: Mitchell Massey is the owner of the property. We ask that a motion be made for our request to turn this into an RSF-4.

City Attorney Kit Williams: Eventually the City Council should have an opportunity to amend it to RSF-4, subject to the Bill of Assurance. I suggest that be done at the next meeting. We only have six aldermen here tonight. It takes five affirmative votes to get this rezoned. We don't need to do the amendment tonight. We should have a full Council here.

Robert Rhoads: After I give some of the comments, it might bode well for the rezoning that we are asking for. There are six aldermen here and perhaps five might want to vote tonight. Is that a possibility, Mr. Williams?

City Attorney Kit Williams: Yes, that is correct. You as a representative of the property owner have every right to request an amendment.

Alderman Tennant: If we do that, it doesn't require any public notification?

City Attorney Kit Williams: That is correct. In the past City Council has changed a zoning request at a Council meeting. The public was notified prior to the initial request by the city as the applicant before it went to the Planning Commission. As long as it continues forward, then that notice continues and there is no re-notification requirement. Is that correct, Jeremy?

Jeremy Pate: That is correct.

Mayor Jordan: If the amendment is for RSF-4 and that passes, then it goes from R-A to RSF-4?

City Attorney Kit Williams: To get it to the RSF-4 ordinance, we would need a motion to amend the ordinance that is before the City Council to RSF-4 subject to a Bill of Assurance, instead of the R-A.

A discussion followed about voting procedures.

Robert Rhoads: This was a PZD at 6.6 units per acre. We have reduced that quite a bit to the RSF-4 and with the Bill of Assurance it takes it down to even a good bit more. The prior owners that my client purchased the property from were part of the coalition that paid for the structural improvements that went under the river. This should give this property a little bit of entitlement since the prior owners invested good money that the citizens of Fayetteville are now enjoying. There is a lot of RSF-4 all around this property. This will be compatible with the surrounding land. I don't believe this property has been historically agricultural for the last 20 years. It has been adjacent to a golf course. The people that originally built the golf course envisioned this piece of property would be part of a residential development. The reason to have R-A is for local food production. This has not been used for food production for the last 20 years. You wouldn't be disregarding guiding principles if you rezoned to RSF-4. The property already has water and sewer and ready to develop.

Alderman La Tour: You would like to have an up or down vote on your proposal tonight with two of our members missing?

Robert Rhoads: There are six people here. I have the option to ask for that vote. I would like to hear some discussion among the Council members and possibly from the public.

Alderman La Tour: I support the applicant. Bringing this back to R-A food production is counterproductive to our city. Development is a good thing. We have plenty of regulations in place to make sure development takes place in an orderly fashion. The applicant is the one that has the funds at risk.

Alderman Petty: I'm not sure we have ever amended a PZD. Was this request presented to the Planning Commission?

Robert Rhoads: Yes it was.

Alderman Petty: Was there any motion to consider it?

Robert Rhoads: They divided it. I think the Planning Commission kicked ours off separate from the other expired PZD's.

Jeremy Pate: That is correct. This was the only one out of the seven or eight that was in contention. The Planning Commission pulled this one out and voted on it separately as part of their application recommendation to you all.

Alderman Petty: The recommendation was to still go to R-A?

Jeremy Pate: That is correct, with a 6 to 1 vote.

Alderman Petty: Was there an affirmative motion to make it RSF-4?

Jeremy Pate: I don't believe so. They discussed the RSF-4 at the meeting and heard public comment. They ended up voting to recommend to R-A.

Alderman Petty: What was their principle reason for doing so? Is it a concern with density?

Jeremy Pate: I believe so. There was concern from at least one neighbor. There has also been many discussions about access issues when the roads are closed for a significant amount of time due to flooding. The biggest change between what Mr. Rhoads referred to as the PZD approved at six units per acre and now, is we have an entirely different land use plan.

Alderman Petty: Is the offered Bill of Assurance changed your determination at all?

Jeremy Pate: It hasn't.

Alderman Petty: We just saw the Bill of Assurance recently. Kit, have you had time to review it and is it enforceable?

City Attorney Kit Williams: Yes, I do think it is enforceable.

Alderman La Tour: I am getting the idea that the Planning Commission thinks it is best to leave this as a cow pasture. I don't know how much money the owner has invested, but to leave it as a cow pasture seems restrictive. Surely we could agree that they can do something more than just have an agricultural field. Streets flood when it rains and that is part of urban living. Let's give them the ability to develop their property.

Alderman Tennant: I agree with Alderman La Tour about the flooding aspect. With the Bill of Assurance, I'm not concerned with this property at all. 2.5 per acre in Fayetteville is a good sized piece of land. I would be in support of this.

Alderman Gray: I have not had any negative phone calls or emails about this proposal. I will be supporting this.

Marilyn Heifner: I own the adjacent property. I spoke against the PZD 6.6 units per acre at the Planning Commission meeting. It was way too dense for that. I do not have a problem with the Bill of Assurance at 2.5 units per acre and would welcome that. I would appreciate your vote for my neighbor.

Alderman Marsh: My concern is the river. We have a watershed that is at danger of impairment. We have a lot of sedimentation that is coming into this watershed that we are tasked with removing. It can be a very expensive venture. 2.5 units an acre is sprawl. This is not a place to be building new neighborhoods. I will not support rezoning it to RSF-4 with the Bill of Assurance.

Alderman Petty: What is the allowable density in R-A?

Jeremy Pate: The density is one unit per two acres.

Alderman Petty: R-A would allow about 26 units and the proposal would bump that up by a 100?

Jeremy Pate: The proposal before you would allow 133 units on the property.

Alderman La Tour: We have a Streamside Protection ordinance and that offers adequate protection for the White River. I don't think that should be used as a reason to deny the applicant their desired zoning.

Alderman Marsh: Perhaps Alderman La Tour was not present at the Water & Sewer meeting where we discussed the implications of sediment in the White River and the potential multi-million dollar cost to this municipality if we don't curb that. The difference between 133 units and 26 units is significant. I would like to see this be held to give other neighbors the opportunity to become aware of what is going on.

Alderman Petty: I am ready to vote for it as it is presented to us.

Robert Rhoads: We would like to ask for a vote.

City Attorney Kit Williams read the ordinance if amended to RSF-4 subject to the submitted Bill of Assurance.

A discussion followed about voting procedures.

Alderman La Tour moved to amend to RSF-4 zoning. Alderman Gray seconded the motion. Upon roll call the motion failed 4-2. Alderman Schoppmeyer, La Tour, Gray, and Tennant voting yes. Alderman Marsh and Alderman Petty voting no. Mayor Jordan chose to not vote. Alderman Long and Alderman Kinion were absent.

The amendment failed.

City Attorney Kit Williams: The amendment has failed and we still have the original ordinance before you.

Mayor Jordan: I recommend to the Council that we hold this for two weeks and let the full Council weigh in on this.

This Ordinance was Left on the Second Reading.

New Business:

2016 Purchase of Asphalt Materials: An ordinance to waive the requirements of formal competitive bidding during calendar year 2016 for the purchase of asphalt materials for use by the Transportation Division, but to require informal quarterly bids or quotes.

City Attorney Kit Williams read the ordinance.

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

Alderman Tennant moved to suspend the rules and go to the second reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 6-0. Alderman Long and Alderman Kinion were 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 6-0. Alderman Long and Alderman Kinion 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 Long and Alderman Kinion were absent.

Ordinance 5839 as Recorded in the office of the City Clerk

ADM 15-5262 (Gregg Ave. between Center St. & Meadow St./MSP Amendment): A resolution to amend the master street plan by reclassifying Gregg Avenue between Center Street and Meadow Street as an alley.

Jeremy Pate, Director of Development Services gave a brief description of the resolution. Staff recommends approval.

Alderman La Tour: Do any vehicles drive here?

Jeremy Pate: There are. It is a very low volume street.

Alderman La Tour: Who do you think uses the street now?

Jeremy Pate: The property owners and then anyone who is leasing space.

Alderman La Tour: Are there alternative routes?

Jeremy Pate: Yes. The primary parking area is located off of Center Street and there is also access from Meadow Street.

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

Resolution 27-16 as recorded in the office of the City Clerk

ADM15-5266 (North of 1016 S Washington Ave./Homes at Willow Bend): A resolution to grant community by Design Incorporated's request to dedicate a lesser right of way of 33 feet instead of the normal 50 feet, to place a sidewalk adjacent to the curb without the normal six feet of greenspace and tree planting area by finding that otherwise this development would suffer undue hardship or practical difficulties.

Jeremy Pate, Director of Development Services gave a brief description of the resolution. Staff recommends approval.

City Attorney Kit Williams: I want to make sure that the Council realizes that we are not partners with this development in a legal sense. They must still meet the requirement that you have placed for them in the code that this lessening of dedication must be in the event of an undue hardship or practical difficulties. Undue hardship most likely will not be able to be met because of cost. This land is flood prone. A lot of the houses will be built on stilts.

John Anderson, Development Consultant stated he agreed with Kit's point. He believes it is more of a condition of land as he finds it. He stated there is a tremendous amount of stormwater. He stated that the city has been progressive in their tree preservation ordinance which has a lot to do with trying to minimize flooding and runoff. He discussed trying to be able to preserve mature trees around the site.

Alderman Petty: I think it might even be better if staff was able to grant these kinds of request administratively. I suspect there are many sites in the city that are subject to these similar constraints.

Alderman Marsh: Thank you to the developers for all your hard work to build some affordable housing that meets our 2030 City Plan goals. Hopefully, we will create a safer neighborhood with these narrower street lanes.

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

Resolution 28-16 as recorded in the office of the City Clerk

RZN 15-5254 (North of 1016 Washington Ave./Homes at Willow Bend): An ordinance to rezone that property described in Rezoning Petition RZN 15-5254 for approximately 7.74 acres located north of 1016 South Washington Avenue from NC, Neighborhood Conservation to RSF-18, Residential Single Family, 18 units per acre.

City Attorney Kit Williams read the ordinance.

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

Dan Wagner, 1150 South Washington stated he was in favor of the request. He requested more multiple points of access due to the amount of traffic.

John Anderson, Development Consultant: Once the new zoning category was created it presented an opportunity to submit our preliminary plat under a more straight forward approach. The current zoning of Neighborhood Conversation with the conceptual plans we have been working with probably would have put us either in a position to ask for a bundle of variances or a PZD application. The rezone will allow us to make an application with the only exception is the different street section. We are going to need to provide at least a second point of access and several stubs for opportunities to connect.

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

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: The fire codes would require a subdivision with 70 homes to have at least two access points. Correct?

Jeremy Pate: That is correct. Anything over 30 residential homes requires a secondary point of access. That is something they are working on.

Alderman Gray: This is another reason that I love living in this city. We had a number of citizens who stepped forward to say that we need some low cost housing. I am delighted that we are able to provide this situation.

Alderman La Tour: I am delighted that we are getting low cost housing. I would like to see medium cost housing and high cost housing. I like markets that have varieties so that people can pick and choose for themselves.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Long and Alderman Kinion were absent.

Ordinance 5840 as Recorded in the office of the City Clerk

Amend § 172.04 Parking Lot Design Standards: An ordinance to amend §172.04 **Parking Lot Design Standards** to allow the curb radius for parking lot entrances to be based on an effective curb radius.

City Attorney Kit Williams read the ordinance.

Alderman Petty gave a brief description of the ordinance.

Alderman La Tour: Are we giving developers more authority to decide what is best for them or are we taking authority away from them?

Alderman Petty: More flexibility to developers.

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

Ordinance 5841 as Recorded in the office of the City Clerk

Appeal of a Condition of PPL 15-5253 to require the Developer to Build a Connection to Fox Trail: A resolution to grant the appeal of a condition of PPL 15-5253 to require the developer to build a connection to Fox Trail.

Mayor Jordan: You received a letter from the developer asking us to table this for two weeks.

Alderman Marsh moved to table the resolution to the January 19, 2016 City Council meeting. Alderman Petty seconded the motion. Upon roll call the motion to table passed 6-0. Alderman Long and Alderman Kinion were absent.

This resolution was tabled to the January 19, 2016 City Council meeting.

Announcements:

Don Marr, Chief of Staff: The city is currently accepting curbside Christmas trees. We are picking those up through the month of January. Also, you can bring them to 1708 South Armstrong on Tuesday and Thursday from 8:00 a.m. to 3:00 p.m. for no additional charge.

The city is giving away free mulch for the month of January.

City offices will be closed on January 18, 2016 for the Martin Luther King, Jr. holiday.

The railroad will have some road closures for repairs around Hill Street and University Avenue. Please plan for detours.

City Attorney Kit Williams: Thank you to our Transportation Department during the holiday season for their hard work. We had an amazing amount of rain and I expected flooding everywhere. We didn't have much flooding in town and the streets remained open.

City Council Agenda Session Presentations: None

City Council Tour: None

Adjournment: 6:47 p.m.

Lioneld Jordan

Lioneld Jordan, Mayor

Sondra E. Smith

Sondra E. Smith, City Clerk Treasurer

LOCAL PENSION FUND REPORT 2015

In keeping with statutory requirements, I am presenting this report for 2015 on the local Police and Fire Retirement and Relief Funds for the City of Fayetteville. Both of these plans were closed, by law, in 1983 and there are no longer any active working members remaining. There are currently 42 police and 50 fire retirees and beneficiaries in the system.

At December 2015 projected expenses from the fire pension fund were approximately $1.4 million as compared to fund revenues of $1.2 million. Projected police pension fund expenses were approximately $1.6 million as compared to fund revenues in excess of $1.3 million. This is before adjusting investments to market value. However, on a cash flow basis, contributions are not covering expenses.

Actuarial evaluations are the responsibility of the State of Arkansas Fire and Police Pension Review

Board. The last evaluations completed were as of May, 2015 for the year ending December 31, 2014. Based on those evaluations the total liability of the Police and Fire Funds were $19.7million and $18.3 million respectively and have grown considerably from prior years. The unfunded actuarially accrued liabilities for these funds were approximately $13 million for police and $14.3 million for fire. In the annual reports issued by the Arkansas Pension Review Board neither the fire nor police pension fund were found to be actuarially sound pursuant to established financial tests.

The Fire Pension Fund has been classified as "projected insolvent "since 2009. The Fire Pension Board has been discussing the unstable condition of the fund and possible alternatives since that time but only recently brought forward a resolution to the City Council requesting the City agree to consolidate the fund with LOPFI. In October, 2015 LOPFI Representatives came to Fayetteville to discuss the condition of and possible solutions to resolve the Fire Pension Fund financial situation. As you are aware, these presentations were made at special council meetings. However, the issue is complex and solutions discussed all had possible negative consequences to the City. The City Attorney also advised the Council that consolidation might be unconstitutional under state law. The council and administration agreed to further study and discuss the issue again in the spring of 2016.

The financial conditions of the Fire Pension Fund has been relatively the same since those meetings so no change has occurred to make the situation better or worse. However the asset value of the fund continues to be under $5,000,000 which makes it subject to further investment restrictions. These restrictions no longer allow investments in individual securities. Investments will be limited to cash, cash equivalents, government bonds and no load mutual funds. This means overall returns in the future are likely to be less than previously experienced which could bring about depletion of the fund earlier than expected.

The Police Pension Fund is also considered actuarially unsound but not in immediate danger of becoming insolvent. The Police Pension Board is also aware of the Police Pension Fund status and has been considering options that would guarantee long term solvency.

I will continue to monitor these pension funds in the future and keep you apprised of any new developments if necessary.