

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
January 19, 2016**

A meeting of the Fayetteville City Council was held on January 19, 2016 at 5:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

- 1. Presentation of the City of Fayetteville 2016 Dr. Martin Luther King, Jr. Brotherhood Award – Kit Williams**
- 2. State of the City - by Mayor Lioneld Jordan**

Agenda Additions:

A. Consent:

1. Approval of the December 15, 2015 and January 5, 2016 City Council Meeting Minutes.

Approved

2. **Pierce Manufacturing Donation Revenue:** A resolution to approve a budget adjustment in the amount of \$500.00 representing donation revenue from Pierce Manufacturing to the Fayetteville Fire Department for the annual employee service awards event.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 29-16

B. Unfinished Business:

1. **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. At the January 5, 2016 City Council meeting, this ordinance was left on the second reading.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5842

2. **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. *At the January 5, 2016 City Council meeting, this ordinance was tabled.*

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 30-16

C. New Business:

1. **Amend the 2016 Adopted Budget:** A resolution to amend the 2016 adopted budget by reappropriating \$71,748,700.00 in bonded or ongoing capital projects, outstanding obligations and grant funded items.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 31-16

2. **Amend §72.02 Nonconsensual, Police-Initiated Towing, Storage and Impoundment Procedures and §72.03 Parking Prohibited in Certain Places:** An ordinance to amend §72.02 Nonconsensual, Police-Initiated Towing, Storage and Impoundment Procedures and §72.03 Parking Prohibited in Certain Places to clarify that persons may not legally park their motor vehicles on city trails.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5843

Announcements:

City Council Agenda Session Presentations:

City Council Tour:

Adjournment: 7:15 p.m.

City Council Meeting:

January 19, 2016

Adjourn:

7:15

Subject:	ROLL				
	La Tour	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Mayor Jordan	✓			

9-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	La Tour				
	Long				
	Gray				
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	Mayor Jordan				

Subject:	CONSENT				
Motion To:					
Motion By:		Approve			
Seconded:		Marsh			
		Long			
Motioned Approved 29-16	La Tour	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Mayor Jordan				

8-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	La Tour				
	Long				
	Gray				
	Marsh				
	Kinion				
	Petty				
	Tennant				
	Schoppmeyer				
	Mayor Jordan				

Subject:	RZN 15-5194 VILLAS AT STONEBRIDGE (VARIOUS EXPIRED PZD LOCATIONS/EXPIRED PZDS):				
Motion To:		3rd Read	Amend to 25F-d subject to both	Pass	
Motion By:		LaTour	LaTour		
Seconded:		Long	Long		
B. 1 Unfinished Business 5842	La Tour	✓	✓	✓	
	Long	✓	✓	✓	
	Gray	✓	✓	✓	
	Marsh	✓	no	no	
	Kinion	✓	no	no	
	Petty	✓	no	✓	
	Tennant	✓	✓	✓	
	Schoppmeyer	✓	✓	✓	
	Mayor Jordan				

8-0

5-3

6-2

Subject:	APPEAL OF A CONDITION OF PPL 15-5253 TO REQUIRE THE DEVELOPER TO BUILD A CONNECTION TO FOX TRAIL				
Motion To:		Approve			
Motion By:		Long			
Seconded:		Schoppmeyer			
B. 2 Unfinished Business 30-16	La Tour	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Mayor Jordan				

8-0

Subject:	AMEND THE 2016 ADOPTED BUDGET				
Motion To:		<i>Approve</i>			
Motion By:		<i>Marsh</i>			
Seconded:		<i>Gray</i>			
C. 1 New Business <i>2-10</i>	La Tour	✓			
	Long	✓			
	Gray	✓			
	Marsh	✓			
	Kinion	✓			
	Petty	✓			
	Tennant	✓			
	Schoppmeyer	✓			
	Mayor Jordan				

8-0

2nd Read for 1st amendment

Subject:	AMEND § 72.02 NONCONSENSUAL, POLICE-INITIATED TOWING, STORAGE AND IMPOUNDMENT PROCEDURES AND § 72.03 PARKING PROHIBITED IN CERTAIN PLACES				
Motion To:		<i>Amend language to prohibited parking area</i>	<i>2nd Read</i>	<i>3rd</i>	<i>Pass</i>
Motion By:		<i>Long</i>	<i>Long</i>	<i>Gray</i>	
Seconded:		<i>Marsh</i>	<i>Marsh</i>	<i>Tennant</i>	
C. 2 New Business <i>584/3</i>	La Tour	✓	✓	✓	✓
	Long	✓	✓	✓	✓
	Gray	✓	✓	✓	✓
	Marsh	✓	✓	✓	✓
	Kinion	✓	✓	✓	✓
	Petty	✓	✓	✓	✓
	Tennant	✓	✓	✓	✓
	Schoppmeyer	✓	✓	✓	✓
	Mayor Jordan				

8-0

8-0

8-0

8-0



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan

THRU: Sondra Smith, City Clerk

FROM: Kit Williams, City Attorney

DATE: January 20, 2016

RE: Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of January 19, 2016

1. A resolution to approve a budget adjustment in the amount of \$500.00 representing donation revenue from Pierce Manufacturing to the Fayetteville Fire Department for the annual Employee Service Awards event.
2. An ordinance to rezone that property described in rezoning petition RZN 15-5194 for approximately 53.03 acres located east of Riverwalk Subdivision on Dead Horse Mountain Road from RPZD 06-2170 (Villas at Stonbridge) to RSF-4, Residential Single Family, 4 Units Per Acre subject to a Bill of Assurance.
3. A resolution to grant the appeal of a condition of PPL 15-5253 to require the developer to build a connection to Fox Trail.
4. A resolution to amend the 2016 adopted budget by re-appropriating \$71,748,700.00 in bonded or ongoing capital projects, outstanding obligations and grant funded items.
5. An ordinance to amend § 72.02 **Nonconsensual, Police-Initiated Towing, Storage and Impoundment Procedures** and § 72.03 **Parking Prohibited in Certain Places** to clarify that persons may not legally park their motor vehicles on city trails.

City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323



Meeting Agenda - Final Agenda

Tuesday, January 19, 2016

5:30 PM

City Hall Room 219

City Council Meeting

Adella Gray Ward 1
Sarah Marsh Ward 1
Mark Kinion Ward 2
Matthew Petty Ward 2
Justin Tennant Ward 3
Martin W. Schoppmeyer, Jr. Ward 3
John S. La Tour Ward 4
Alan Long Ward 4

ELECTED OFFICIALS:
Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith

Call To Order**Roll Call****Pledge of Allegiance****Mayor's Announcements, Proclamations and Recognitions****City Council Meeting Presentations, Reports and Discussion Items:**

1. [2016-0015](#)
PRESENTATION OF THE CITY OF FAYETTEVILLE 2016 DR. MARTIN LUTHER KING, JR. BROTHERHOOD AWARD - KIT WILLIAMS
2. [2016-0002](#)
STATE OF THE CITY - BY MAYOR LIONELD JORDAN

Agenda Additions:**A. Consent:**

- A. 1 [2016-0001](#)
APPROVAL OF THE DECEMBER 15, 2015 AND JANUARY 5, 2016 CITY COUNCIL MEETING MINUTES
- A. 2 [2016-0004](#)
PIERCE MANUFACTURING DONATION REVENUE:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$500.00 REPRESENTING DONATION REVENUE FROM PIERCE MANUFACTURING TO THE FAYETTEVILLE FIRE DEPARTMENT FOR THE ANNUAL EMPLOYEE SERVICE AWARDS EVENT

Attachments: [SRF SRM Donation Revenue-Pierce Manufacturing](#)
[Fire Donation BA](#)

B. Unfinished Business:

B. 1 [2015-0571](#)**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

Attachments:[15-5194 CC reports \(VillasatStonebridge\)](#)

At the December 15, 2015 City Council meeting, this ordinance was left on the first reading. At the January 5, 2016 City Council meeting, this ordinance was left on the second reading.

B. 2 [2015-0634](#)**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

Attachments:[15-5253 CC DOCS 1](#)

At the January 5, 2016 City Council meeting, this ordinance was tabled.

C. New Business:**C. 1** [2016-0006](#)**AMEND THE 2016 ADOPTED BUDGET:**

A RESOLUTION TO AMEND THE 2016 ADOPTED BUDGET BY REAPPROPRIATING \$71,748,700.00 IN BONDED OR ONGOING CAPITAL PROJECTS, OUTSTANDING OBLIGATIONS AND GRANT FUNDED ITEMS

Attachments:[2016-0006 REBUDGET PACKET.pdf](#)

C. 2 [2016-0007](#)**AMEND § 72.02 NONCONSENSUAL, POLICE-INITIATED
TOWING, STORAGE AND IMPOUNDMENT PROCEDURES AND
§ 72.03 PARKING PROHIBITED IN CERTAIN PLACES:**

AN ORDINANCE TO AMEND § 72.02 NONCONSENSUAL,
POLICE-INITIATED TOWING, STORAGE AND IMPOUNDMENT
PROCEDURES AND § 72.03 PARKING PROHIBITED IN CERTAIN
PLACES TO CLARIFY THAT PERSONS MAY NOT LEGALLY PARK
THEIR MOTOR VEHICLES ON CITY TRAILS

Attachments: [Agenda Packet § 72.02 and § 72.03](#)

D. City Council Agenda Session Presentations:**E. City Council Tour:****F. Announcements:****G. Adjournment****NOTICE TO MEMBERS OF THE AUDIENCE**

All interested persons may address the City Council on agenda items of New and Old Business. Please wait for the Mayor to request public comment and then come to the podium, give your name, address, and comments about the agenda item. Please address only the Mayor. Questions are usually answered by the Mayor, Aldermen or Staff after the public comment period is over. Please keep your comments brief and respectful. Each person is only allowed one turn at the microphone for discussion of an agenda item.

All cell phones must be silenced and may not be used within the City Council Chambers.

Below is a portion of the Rules of Order and Procedure of the Fayetteville City Council pertaining to City Council meetings:

Agenda additions: A new item which is requested to be added to the agenda at a City Council meeting should only be considered if it requires immediate City Council consideration and if the normal agenda setting process is not practical. The City Council may only place such new item on the City Council meeting's agenda by suspending the rules by two-thirds vote. Such agenda addition shall be heard prior to the Consent Agenda.

Consent Agenda: Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If an Alderman wishes to comment upon or discuss a Consent Agenda item, that item shall be removed and considered immediately after the Consent Agenda has been voted upon.

Old business and new business.

Presentations by staff and applicants. Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aids in a City Council meeting as part of their presentation.

Public comments. Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.

Courtesy and respect.

All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

Interpreters or TDD for hearing impaired are available for all City Council meetings, a 72 hour advance notice is required. For further information or to request an interpreter, please call 479-575-8330.

A copy of the complete City Council agenda is available at www.fayetteville-ar.gov or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas.



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+ASSOCIATES
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City of Fayetteville – City Council
113 West Mountain Street
Fayetteville, AR. 72701

Attn: City Council Members

Re: Dead Horse Mountain Rd Rezone

Dear Council Members,

This correspondence is to clarify our opinion that this property currently does not have any major drainage problems due to the fact it is relatively flat and there are numerous ponds onsite that help control the drainage before leaving the site. If rezoned and developed we also believe the post-development conditions will be the same as predevelopment if not better. The city has adopted a new Drainage Manual that requires the following four drainage requirements:

1. Water Quality
2. Channel Protection
3. Overbank Flood Protection
4. Extreme Flood Protection

Due to these requirements any new impervious surfaces added will have to be treated before going into a pond and leaving the site. Also any portion of a developed site will have to utilize level spreaders to prevent any point discharges which will help reduce any erosion issues due to high velocities. There are numerous other Drainage Requirements that will be reviewed by the city engineer at the time of development proposals that will aid in preventing any future drainage issues from this site.

Thanks and feel free to contact us with any questions.

Sincerely,

Justin L. Jorgensen, PE

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
December 15, 2015**

A meeting of the Fayetteville City Council was held on December 15, 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, John La Tour, Alan Long, Mayor Lioneld Jordan, Assistant City Attorney Blake Pennington, Deputy City Clerk Lisa Branson, Staff, Press, and Audience.

Alderman Long arrived after roll.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items:

Nominating Committee Report

Alderman Kinion read the Nominating Committee Report and recommended the appointments as submitted.

Alderman Kinion moved to approve the Nominating Committee Report. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-1. Alderman La Tour voting no.

A copy of the report is attached.

Town Center Annual Report

Sandra Bennett, Facilities Manager presented the Town Center report.

A copy of the report is attached.

Agenda Additions: None

Consent:

Approval of the November 17, 2015 and December 1, 2015 City Council meeting minutes.

Approved

Garver, LLC Amendment No. 1: A resolution to approve Amendment No. 1 to the contract with Garver, LLC in the amount of \$9,293.75 to add bidding phase services for the water and sewer relocations associated with Arkansas Highway and Transportation Department Project BB0414 - Interstate 49 and Highway 112 Interchange.

Resolution 222-15 as recorded in the office of the City Clerk

Bid No. 15-60 Red River Pump Specialists, Inc.: A resolution to award Bid No. 15-60 and authorize the purchase of a trailer mounted diesel powered water pump from Red River Pump Specialists, Inc. in the amount of \$71,575.00 plus applicable taxes for use at the Biosolids Management site.

Resolution 223-15 as recorded in the office of the City Clerk

Clay Maxey Motor Sports: A resolution to authorize the purchase of a Kawasaki Mule from Clay Maxey Motor Sports of Harrison, Arkansas in the amount of \$14,000.00 for use by the Police Department, and to approve a budget adjustment.

Resolution 224-15 as recorded in the office of the City Clerk

Lake Fayetteville Boat Dock Operator Contract: A resolution to approve the Lake Fayetteville Boat Dock Operator contract with Alvaro Perea in the amount of \$40,188.00 for services in 2016, with automatic renewals for up to four additional one year terms.

Resolution 225-15 as recorded in the office of the City Clerk

Ozark Floor Company and G&W Diesel Service Donation Revenue: A resolution to approve a budget adjustment in the total amount of \$700.00 representing donation revenue from Ozark

Floor Company and G&W Diesel Service to the Fayetteville Fire Department for the annual employee service awards event.

Resolution 226-15 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 \$3,233.00 and increasing the related expense budget.

Resolution 227-15 as recorded in the office of the City Clerk

TEC, The Employment Company d/b/a Tec Staffing Services: A resolution to approve a one year contract with automatic renewals for four additional one year terms with TEC, The Employment Company d/b/a TEC Staffing Services for temporary staffing services for varying hourly rates by job category.

Resolution 228-15 as recorded in the office of the City Clerk

Daugherty & Daugherty Investments, LLC d/b/a 1st Employment Staffing: A resolution to approve a one year contract with automatic renewals for four additional one year terms with Daugherty & Daugherty Investments, LLC d/b/a 1st Employment Staffing for temporary staffing services for varying hourly rates by job category.

Resolution 229-15 as recorded in the office of the City Clerk

Federal and State Law Enforcement Forfeitures Revenue: A resolution to approve a budget adjustment in the total amount of \$37,581.00 recognizing revenue associated with federal and state law enforcement forfeitures.

Resolution 230-15 as recorded in the office of the City Clerk

Fayetteville Police Department Donation Revenue: A resolution to approve a budget adjustment in the total amount of \$6,961.00 recognizing donation revenue to the Fayetteville Police Department in support of general recognition and officer service awards.

Resolution 231-15 as recorded in the office of the City Clerk

CDW-Government: A resolution to approve the purchase of forty (40) Sierra Wireless Gateway Modems and Antennas from CDW-Government in the amount of \$31,330.08 plus applicable taxes, pursuant to a national intergovernmental purchasing alliance contract, for use by the Police Department.

Resolution 232-15 as recorded in the office of the City Clerk

Bid No. 15-65 Wanco, Inc.: A resolution to award Bid No. 15-65 and authorize the purchase of a portable video surveillance trailer from Wanco, Inc. of Arvada, Colorado in the amount of \$58,212.00 plus applicable taxes for use by the Police Department.

Resolution 233-15 as recorded in the office of the City Clerk

Metova, Inc.: A resolution to approve and certify the participation of Metova, Inc. in the Arkansas tax back program and to agree to authorize DF&A to refund city sales tax back to Metova, Inc.

Resolution 234-15 as recorded in the office of the City Clerk

Pacific Vet Group-USA, Inc.: A resolution to approve a land sale agreement with Pacific Vet Group-USA, Inc. to sell about 24 acres in the Fayetteville Commerce District (formerly Industrial Park) back to the city in exchange for the cancellation of the remaining indebtedness owed to the city.

Resolution 235-15 as recorded in the office of the City Clerk

Lib Horn Animal Shelter: A resolution to authorize Mayor Jordan to sign any and all documents necessary to accept, collect, receive and/or transfer all of the assets given by Lib Horn to the Lib Horn Animal Shelter of Fayetteville.

Resolution 236-15 as recorded in the office of the City Clerk

Alderman Long: I will have to recuse. There is a person on one of the items that I am personally related to.

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

Unfinished Business:

Amend Chapter 97 Parks and Recreation: An ordinance to amend Chapter 97 **Parks and Recreation** of the Fayetteville City Code to allow twenty four (24) hour access to shared use paved trails; to add leash requirements for animals in certain parks; to prohibit certain activities in parks including unauthorized vehicle operation, use of paddle boards on city lakes, and shooting of model rockets; to provide for certain activities in parks including camping, horseback riding, limited vending at park events, and posting of temporary signs; and to make other technical revisions. *At the November 17, 2015 City Council meeting, this ordinance was left on the first reading. At the December 1, 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 Marsh seconded the motion. Upon roll call the motion passed unanimously.

Assistant City Attorney Blake Pennington read the ordinance.

Connie Edmonston, Parks & Recreation Director: This has come before you several times. I am here to answer any questions you may have.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5828 as recorded in the office of the City Clerk

Amend §73.04 Riding on Roadways and Bicycle Paths and §73.05 Riding on Sidewalks: An ordinance to amend §73.04 **Riding on Roadways and Bicycle Paths** to provide for the safe operation of bicycles on roadways and bicycle paths, and to amend §73.05 **Riding on Sidewalks** to provide for the safe operation of bicycles on sidewalks. *At the November 17, 2015 City Council meeting, this ordinance was left on the first reading. At the December 1, 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 Marsh** seconded the motion. Upon roll call the motion passed unanimously.

Assistant City Attorney Blake Pennington read the ordinance.

Peter Nierengarten, Sustainability & Resilience Director gave a brief description of the ordinance. He stated that the Active Transportation Advisory Committee held a special meeting on December 2, 2015 and approved recommended changes. He stated staff supports the changes.

Alderman La Tour requested more clarification on the amendment.

Peter Nierengarten: The amendment is to move from the original language developed by the City Attorney office for Chapter 73.04, to language that is more in line with recommendations from the League of American Bicyclist. It contains more details in areas related to the specifics of where cyclist can and cannot ride on the roadway and what kind of hazards they may or may not be expected to ride through.

Alderman La Tour: Can you give some examples?

Peter Nierengarten gave a brief description of examples.

Alderman La Tour: Does a cyclist have an obligation to ride on a sidewalk or to ride off the sidewalk?

Peter Nierengarten: There is a separate change in the packet under Chapter 73.05 related to regulations of when a cyclist may or may not ride on a sidewalk. That is a separate proposed change. The new proposal states that you can ride on a sidewalk anywhere except where that sidewalk abuts a building face.

Alderman La Tour: Would you agree that the more we can take bicyclist out of the flow of traffic, the safer everyone is?

Peter Nierengarten: It depends on the context and the type of cyclist using the facility and where the facility is. There are some roadways where the grade of the street and the speed of the traffic is such that a bicyclist can operate at practically the same speed as an automobile going downhill. There are some streets that it makes sense for cyclist to have separation from vehicles and pedestrians for safety.

Paxton Roberts, Executive Director of the Bicycle Coalition of the Ozarks and a member of the Active Transportation Advisory Committee thanked the Council for looking at revising the ordinance. He stated it is an ordinance that helps move Fayetteville forward to being more bicycle and pedestrian friendly. He spoke in favor of the ordinance.

Lorraine O'Neal, 3001 West Wedington stated that the wording of the ordinance was complicated and lengthy.

Aubrey Shepherd, South Duncan Avenue stated that the ordinance was excellent. He believes more education is needed.

Alderman Marsh: As a member of the Active Transportation Advisory Committee, we wanted to make sure the language exactly told cyclist where they can ride and what their rights and responsibilities are on the road. We feel that the new ordinance offers a lot of clarity for all of the road users. In order to develop this we looked at other cities around the country as well as bicycle advisory groups. We think it is going to be a good model language that other communities in the state begin to adopt to be more bicycle friendly.

Alderman Marsh moved to amend the language recommended by the Active Transportation Advisory Committee. Alderman Kinion seconded the motion. Upon roll call the motion passed 7-1. Alderman La Tour voting no.

Alderman La Tour: I don't want people to think I am against bicycles. I am concerned with the language I have heard tonight about moving forward, being progressive, and we are going to be a leader in a more bicycle friendly town. I want bicycles to be safe. I think they are safest when they aren't in traffic.

Mayor Jordan: Peter, did you send copies of the ordinance to all of the Council members?

Peter Nierengarten: Yes, sir.

Alderman Petty: The data is overwhelming that cyclist who ride on the sidewalk for comfort or legality places themselves in the most deadly zone of riding a bicycle.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-1. Alderman La Tour voting no.

Ordinance 5829 as recorded in the office of the City Clerk

RZN 15-5214: (West of N. Gregg Ave. & W. Van Asche Dr./WG Land Company) Appeal:

An ordinance to rezone that property described in Rezoning Petition RZN 15-5214 for approximately 186.65 acres located west of the intersection of North Gregg Avenue and West Van Asche Drive from R-A, Residential Agricultural to C-2, Thoroughfare Commercial and C-3, Central Commercial. *At the December 1, 2015 City Council meeting, this ordinance was left on the first reading.*

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

Assistant City Attorney Blake Pennington read the ordinance.

Jeremy Pate, Director of Development Services: The applicant has a few slides to present tonight.

Tom Overbey, Representing WG Land Company showed a slide illustrating the boundary between the City of Johnson and City of Fayetteville beginning in 2008. He gave a brief historical timeline of events. He discussed a settlement and stated that the City of Fayetteville got what they wanted and the City of Johnson received better water and sewer agreements with the City of Fayetteville. He stated all that remains is for WG Land to receive the commercial zoning they negotiated for.

Aubrey Shepherd discussed the landscape, water, and wildlife in the area. He would like staff to guide developers when the project begins.

Mayor Jordan: Will the Corp of Engineers study that piece of property?

Jeremy Pate: If there are wetlands on the property, that is under the jurisdiction of the Corp of Engineers, not the city.

Lorraine O'Neal, 3001 West Wedington spoke in favor of the rezoning.

Tom Terminella, 24 East Meadow: We have done a watershed study of the 305 acres. All the water flows south and then east and then north through Tune Concrete. It intersects Scull Creek into Mud Creek and then to Clear Creek and goes west from there. The watershed does not flow under the interstate to Wilson Springs. We have ran the flood and stormwater calculations for the watershed. We have a clear understanding of where all the water goes. There are no streams on this property. The landowners have done a great deal of work to keep it from evolving into wetlands.

Joshua Baxter, Martin Luther King: I assume the decision has already been made. It is unfortunate that a tract of land with so many opportunities to make Fayetteville a wonderful community is being lost.

Alderman Marsh: We are embarking on the construction of a major expansion of our city. How we steer this development will have resounding implications on our city for generations to come. What do we want the city to become and how do we want our city to function? We have a responsibility to our citizens to get the highest and best use of this land in exchange for the citizens' investment in the multi-million dollar transportation corridor. A March 19, 2008 memo by Gary Dumas to the City Council states, "The area south of the extension of Van Asche should be encouraged to develop as densely as possible. Every effort should be made to promote a dense compact development style, not a highway commercial style development."

I want to see this property developed to its highest and best use. To me that means very dense traditional neighborhood style development, where we have a mix of commercial space, retail space, office space, and housing. If we want to build a successful economy and vibrant city, we have to make a walkable city. We should rezone this to promote dense compact development. I believe we can do that while meeting the intent of the Memorandum of Understanding while upholding the goals set forth for us by our citizens.

Alderman Petty: I haven't read that memo. Is it in our packet?

Alderman Marsh: It is buried in the thousands of pages in the packet. I have a copy of it printed out. I have a November 4, 2015 memo from former Mayor Coody that states, "Commercial zoning for that area is its highest and best use. It was not the intent of my office or the Council to have the blanket suburban commercial zoning and if a specific zoning district had been the intent, the resolution would have clearly stated that."

Alderman Petty: That memo is not referenced in our City Attorney's memo. I'm wondering why that particular opinion of the Chief of Staff at the time wasn't considered relevant?

Assistant City Attorney Blake Pennington: It is because we have a written contract in place. I think all the extra memos that could clarify it cannot contradict what is written in the Memorandum of Understanding.

Alderman Petty: Why did our City Attorney reference another memo from Gary Dumas?

Assistant City Attorney Blake Pennington: It clarified what was in the Memorandum of Understanding. It was in compliance with what was already in the written contract. The written contract says, Commercial Zoning District and what we mean at the time is, C-1, C-2, and C-3. The Gary Dumas memo at that time talked about C-3 zoning.

Alderman Marsh: On the memo, he says that for every effort to be made to promote dense compact development style, not a highway commercial style development, for this reason the most logical zoning is C-3. At that point that was the most appropriate tool we had in our toolbox. We have a better tool to use to achieve the aim of this Memorandum of Understanding.

Assistant City Attorney Blake Pennington: Yes, there are better tools today. If it gets to a point of litigation, the court is going to look at what did the terms mean at the time they were entered

into and at the time the Memorandum of Understanding was signed by the parties, that's all we had.

Alderman Marsh: In the Memorandum of Understanding, item two is requesting that the portion of the property north of the proposed Van Asche Boulevard extension shall be rezoned to an Industrial Zoning District, consistent with use for warehousing and cold storage. If we are to go word for word by the Memorandum of Understanding, all of the property north of the proposed Van Asche Boulevard extension shall be rezoned industrial. If we can take liberties with that, then I don't know understand why we can't deliver the same level of development potential with the improved zoning tools.

Assistant City Attorney Blake Pennington: The problem is that paragraph one is much more clear about what is going to be south of Van Ashe. The paragraph talking about what is going on north, you have to read that on context with the cold storage and warehousing. This is not something that occurred in the land that was annexed by the City of Fayetteville. That is an activity that goes on in the land that was not annexed that still remains in the City of Johnson. That portion of the contract is absolutely ambiguous. As Kit Williams said in his memo, ambiguities are interpreted against the drafter, which was the city. Out of an abundance of caution, our recommendation to avoid getting sued for millions is to follow what the applicant is requesting.

Alderman La Tour: People spent money. They spent that with an expectation of one day getting what they bargained for, a commercial zoning on their property. Kit Williams told us this could be the largest judgment against the city in my lifetime. Don't we want to be people of our word? The people who maintain the property, who defend the lawsuits, and who pay the taxes on the land have the most at risk. I want to let the market determine what will be the highest and best use of the land.

Alderman Long: When this agreement was made, did they not know they would have to come back before the City Council to get approval for the rezoning? The prior Council can't say they are going to rezone something seven years later because there is no guarantee they will be on the Council. What was the discussion back then?

Alderman Gray: I don't remember a discussion of that nature at that time. Do you remember Mayor?

Mayor Jordan: I can't tell you all of the negotiations prior to 2009. I can give you an accurate account of what I know from 2009 to present. When we as a Council voted on it, we were familiar with C-2 and C-3 on the outside fringes of the city. On the interior we had some new zoning we were trying to develop at the time. We voted for that and we did have that memo. Back then we didn't have all the options we have today. We believed C-2 and C-3 was appropriate for an outside fringe. In 2009 I came into office and visited with the Mayor of the City of Johnson. There was a huge project that included the caves at Zero Mountain. I didn't want the caves and the mountain side. I wanted the flat land from where the caves started, back south. Part of that was in the City of Johnson. He said, "You aren't going to get it." So, we just waited. A lawsuit went on for about a year.

In 2010, Mr. Jones and Mr. Whitfield came in and met with me. They asked if the city was going to keep their word for the C-2 and C-3 zoning. I saw that piece of land as a connector from the west side to the east side of this city. The late Swifty Reynolds was the first Council member to talk about that. In present era, Mr. Jones said they were going to give us the right-of-way to build our road, if the city keeps their word on what they said they were going to do. The City Attorney has documentation to show what the city voted on. Mr. Jones believes that C-2 and C-3 was what was worked out. Whatever Mr. Jones tells you, he believes it. He's never told me anything that wasn't the truth. When the Memorandum of Understanding was presented and the City Attorney was concerned about legal issues, he and other attorneys believe that the Memorandum of Understanding was like a contract. I don't think this is the best zoning for the property. I believe the Urban Thoroughfare is best and part of it needs to be a mixed use. That is not the point here tonight. It is about what the word of the city is worth. I can't put the city at risk for a possible lawsuit.

Alderman Long: I don't know what they plan to do with the property, but Urban Thoroughfare has all the uses that C-2 and C-3 has. Is that correct?

Jeremy Pate: That's correct. There are a few exceptions. Primarily it is within the residential uses. Urban Thoroughfare allows a lot more residential uses in addition to commercial uses than does C-2 or C-3.

Alderman Long: If we were to rezone this Urban Thoroughfare, would we not be meeting the Memorandum of Understanding by allowing every use type that is in C-2 and C-3?

Assistant City Attorney Blake Pennington: I don't think so. C-2 and C-3 are Commercial Zoning Districts. Urban Thoroughfare is a zoning district that allows commercial use. We have to look at what the applicants are asking for, as opposed to what we want.

Alderman Long: Tom, in the Memorandum of Understanding it doesn't specify the zoning districts. No one here on the Council remembers exactly what it was because it wasn't put into writing. There's a lot of conversations. I trust that those conversations are true and accurate when they are represented to us. We want to work out what's best for the city. From your perspective would Urban Thoroughfare not be a suitable zoning for this area?

Tom Overbey: I am told by our broker that C-2 and C-3 is the desirable zoning by the people who are showing interest in the property at this time.

Alderman Long: What if we were to hold this for two weeks?

Tom Overbey: We have been at this for seven years. We have been sitting on a property for more years than that waiting for the prime time. It will probably be well into 2016 before we get our first contract. The first person to come and do development work is going to have to bite a big chunk. There's going to be a lot of things that have to be worked out. Two weeks are meaningless.

Alderman Long: If we made the decision in two weeks, would you able to go back to the landowner and ask if UT would be appropriate?

Tom Overbey: We have already done that. Mr. Terminella has contacted the prospects we have and they are not interested in UT.

Alderman Gray: I've enjoyed all of the ideas we've discussed. I agree with Mayor Jordan. We have a promise made and I want to see a promise kept. I agree completely with the Mayor that it isn't our business to be putting the city in a place where they can't be trusted and to be sued for a lot of money. More than anything, we want to be a city whose governing body can be trusted to do what we say we are going to do. I'm ready for us to move on and waste no more time or energy on this great project. I support this ordinance.

Alderman Petty: It is time to move on. I'm going to vote under duress in support of the request. I don't think there is any arguing with the memo we received from the City Attorney. I have seen the preliminary development plans for this site. This is a North College and West Wedington. It is frustrating to me because it is one more example of an incompetent public private partnership. This is an incompetent deal, made irrevocable on paper, and we are being held to this bad decision. With respect to the prior Council and Administration, this is a deal where the city allowed itself to be bought. There's this idea that we owe the developers something because they donated right-of-way, but that road is the only reason the land is valuable.

Alderman Kinion: The decision that I'm making to support this is based on the fact that we have to keep our word. I hope that future City Councils will look at what we have done and they will keep our word. There's going to be a decision seven or eight years from now that are going to have to be reviewed based on trends. Looking at the legal terms that have been presented to us, it is at the time of the agreement that we have to consider. We didn't have Urban Thoroughfare at the time of the agreement. I give accolades to the staff that recommended Urban Thoroughfare because it says specifically in the language that UT is a Commercial Zoning District. I will be supporting the commercial request. I don't like it, but at the time the agreement was made, it was C-1, C-2, and C-3 zoning.

Alderman Marsh read section 161.21 of city code that defines Urban Thoroughfare.

Alderman Marsh: It is clear that Urban Thoroughfare is a commercial zone. This is the future of our city and a really important decision. I hear about the benevolence of the landowners generously donating the right-of-way, but it was the taxpayers' \$4.5 million dollar investment that created value. Prior to this annexation, this property was located in the City of Johnson which in their annexation file did not have the capacity to support the infrastructure or services needed to develop the property. Fayetteville citizens' investment are what created the development potential on this property. In talking about promises, what about the promises to our citizens. We have our 2030 City Plan goals that were adopted by this City Council and were developed by our citizens. It seems like we are turning our back on this promise to our citizens a lot lately. I'm voting against this development.

Alderman Petty moved to suspend the rules and go to the third and final reading. Alderman Schoppmeyer seconded the motion. Upon roll call the motion passed 6-2. Alderman Long and Marsh voting no.

Assistant City Attorney Blake Pennington read the ordinance.

Jeremy Pate: I want to clarify the specific zoning request with Mr. Overbey. On the map, there is a 4 acre tract south of Fulbright Expressway proposed as C-2. The legal description agrees with that in your exhibits. One of the maps that was submitted by Jorgensen shows it as C-3. I believe that was an error in the numbers. Could you please confirm if that is supposed to be C-2 or C-3?

Tom Overbey: C-2.

Jeremy Pate: We can correct the map. Thank you.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-1. Alderman Marsh voting no.

Ordinance 5830 as recorded in the office of the City Clerk

RZN 15-5209: (NE Corner of McGuire St. & Van Asche Dr./McClinton) Appeal: An ordinance to rezone that property described in Rezoning Petition RZN 15-5209 for approximately 18.34 acres located at the Northeast corner of McGuire Street and Van Asche Drive from R-A, Residential Agricultural to C-2, Thoroughfare Commercial and C-3, Central Commercial. *At the December 1, 2015 City Council meeting, this ordinance was left on the first reading.*

Alderman Long moved to suspend the rules and go to the second reading. Alderman Tennant seconded the motion. Upon roll call the motion passed unanimously.

Assistant City Attorney Blake Pennington read the ordinance.

Mayor Jordan: Jeremy, since the other property next door is C-2 and C-3, is there some sort of consistency? There's no contract on this.

Jeremy Pate, Director of Development Services stated that this item stands alone and is not subject to a preexisting contract. He stated that the zoning district that has been requested would be appropriate given the decision Council has made.

Mayor Jordan: Blake, you don't see any issues with this. Correct?

Assistant City Attorney Blake Pennington: Correct.

Tom Terminella, 24 East Meadow gave a brief history of the item.

Alderman La Tour spoke in favor of the rezoning as requested.

A discussion followed about the exact location of the property.

Aubrey Shepherd: Was there a concrete operation on the hill in that parcel already?

Jeremy Pate: Not in this particular parcel.

Aubrey Shepherd gave a brief discussion on water flow in the area.

Alderman Petty moved to suspend the rules and go to the third and final reading. Alderman Schoppmeyer seconded the motion. Upon roll call the motion passed 7-0. Alderman Long was absent during the vote.

Assistant City Attorney Blake Pennington read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-1. Alderman Marsh voting no. Alderman Long was absent during the vote.

Ordinance 5831 as recorded in the office of the City Clerk

New Business:

Bid No. 15-64 Rogers Iron and Metal Corporation: A resolution to award Bid No. 15-64 to Rogers Iron and Metal Corporation for the removal and recycling of scrap metal items for an amount established in the seventh effective issue each month of the American Metal Market automobile scrap index for the Arkansas/Tennessee market less Rogers Iron and Metal's operating costs in the amount of \$89.00 per ton for a period of one year with automatic extensions for four additional one year terms.

Brian Pugh, Waste Reduction Coordinator gave a brief description of the resolution. Staff recommends approval.

Alderman La Tour: What type of metal are we talking about? What are we collecting from our recycling?

Brian Pugh: It is the big bulky scrap metal material that we typically get from the bulky waste pickups and operations around our Transfer Station. It is appliances, swing sets, and any type of big bulky metal items. It's not the steel cans that we get in our curbside program.

Alderman La Tour: What happens to steel cans that we get?

Brian Pugh: That goes out on an open bid system whenever we have those available for a load.

Alderman La Tour: What's the origin of the material we are collecting?

Brian Pugh: It is from all sources in Fayetteville, such as residential and commercial. We have a box set up at our Transfer Station for people to drop it off.

Alderman La Tour: Do we sell the metal that we are recycling?

Brian Pugh: Correct. This is why we have this bid in place. It is tied to a scrap metal market so that we can get the best price for the City of Fayetteville.

Alderman La Tour: Over the last three to five years have prices gown up or down?

Brian Pugh: Prices have been going down. Supply and demand dictates that.

Alderman La Tour: Do you know what the operational costs are?

Brian Pugh: Yes.

Alderman La Tour: Are we making money or losing money on this program?

Brian Pugh: We are making money on scrap metal.

Alderman Kinion: This has been through the Water, Sewer, and Solid Waste Committee with approval to move forward to City Council. If anyone is interested in the numbers, it is published and available. The markets are fluctuating and we watch them regularly. This is a good bid.

Alderman Long: What would you say our margin is if we are making money?

Brian Pugh: We have labor involved. I don't have those numbers in front of me for every time we handle a piece of material.

Alderman Long: How much money are we making?

Brian Pugh: According to the last check we received it was \$72 per gross ton. In a year we made \$16,228 on scrap metal.

A discussion followed about the fluctuation of scrap metal prices.

Alderman Petty moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the motion passed unanimously.

Resolution 237-15 as recorded in the office of the City Clerk

Bid No. 15-63 Modern Control Access, Inc.: A resolution to award Bid No. 15-63 and authorize a contract with Modern Control Access, Inc. for the construction of security fencing, gates, and gate controls at the Police Department parking lot at the southeast corner of South Block Avenue and West Rock Street in the amount of \$66,970.00, and further approves a 10% project contingency in the amount of \$6,697.00.

Greg Tabor, Chief of Police gave a brief description of the resolution.

Alderman Marsh: I recognize the need and importance for having this type of facility. I don't think we would allow these fences in people's front yards. Is that correct?

Jeremy Pate: We don't allow the height.

Greg Tabor: We received a variance from the Planning Commission for the height.

Jeremy Pate: We allow this type of fence on all other sides of the structure. There is a height limitation that is about 42 inches in front of the structure in the Downtown area.

Alderman Marsh: In a sense this is part of the front yard of our Downtown. This land has a great deal of value and when we create these obviously secured areas, it has the implication of making other areas feel less secure. It is not as welcoming for our Downtown as it could be. Were other sites considered?

Greg Tabor: This is the only piece of property that I am aware of that the city owns adjacent to the Police Department. It has to be in close proximity to the Police Department.

Alderman Marsh: In our long term planning we need to upgrade our police facility. We need to minimize these type of gated parking lots in our Downtown area to make it as viable as it can be.

Alderman Petty: My concern is cost. What is the salary for an evidence clerk?

Greg Tabor: Mid 30's. I was shocked when I saw the price. When you hear Brian Pugh talk about the low price of steel, I would hate to be buying this when the price of steel was high. Some of our vendors did tell us this was a great time to do it, because the price was low. It will be paid out of forfeitures and not General Fund money.

Alderman Petty: I assumed an evidence clerk would make \$50,000 after benefits.

Greg Tabor: Yes, with benefits.

Alderman Petty: For Capital Improvements I'm looking to have a ten year return or better in general. For that to work out, that clerk would have to spend a full day every week in traveling back and forth to get a ten year return. My other issue is that we already have a secure facility for some of these things. If we have to send two people at a time, why don't we just subdivide the secured facility we already have. It would have to be a fraction of what we are talking about.

Greg Tabor: You are right, it is a fraction. Our vehicles need to be more securely parked than they are. We haven't had any recent thefts out of a police car. I can recall twice in my career that a police car was stolen off the back parking lot. Springdale had an incident before their lot was fenced where a bomb got placed under a police car. It blew up when a police officer started it and injured the officer.

Alderman Petty: Two thefts in your career?

Greg Tabor: Yes.

Alderman Petty: We just authorized the purchase of three new Tahoes at \$33,000 each. If we were to avoid spending this money we would be able to finance two of those. With regard to theft or property damage, I know that we carry insurance. The reason we are buying those vehicles is to put them in the lot in case a vehicle in service got totaled. We aren't talking about any potential impacts to our fleet capacity if we were to continue to park our service cars there. I would vote for this if it was to subdivide the space that we have.

Alderman Long: My concern was a little bit along the same lines as Alderman Petty. We are spending \$66,970 when we are needing a new police building.

Greg Tabor: There is a lot of difference between \$18 million and \$66,000.

Alderman Long: Every bit goes a distance.

Alderman Marsh discussed tabling the item for two weeks to allow for more time to explore other options.

Don Marr, Chief Of Staff: The primary function of this lot is vehicle storage, not equipment storage. The equipment that we are talking about storing is not as significant as the actual vehicle storage. Where it makes it difficult to consider another campus for that, is our lockers, check in points, and meeting aspect of our change of shifts all occur at the Police Department. The efficiency of having those vehicles close to the station is important. From an emergency management and best practices perspective, one of the things on our future check list has been the security of vehicles. The only area in which we don't have secure fleet is at the Police Department. I believe we are the only Police Department in Northwest Arkansas that does not have police vehicles with controlled access of our city size.

Greg Tabor: That is correct.

Alderman Marsh moved to table the item for two weeks. The motion died for lack of a second.

Lorraine O'Neal, 3001 West Wedington: Would this affect our insurance rate as an offsetting cost for this?

Assistant City Attorney Blake Pennington: All of our vehicles are covered under the Municipal Leagues vehicle policy. I think we pay \$100 per vehicle, whether they are secured or not.

Mayor Jordan: It was a great question.

Alderman Petty: I don't think our service vehicles need to be secured. A fence like that is more of a deterrent of inconvenience than it would actually stop the worst acts that we might fear. We don't have a history of regular vandalism or property damage.

Alderman Petty moved to deny the resolution. Alderman Marsh seconded the motion. Alderman Petty withdrew his motion to deny the resolution.

Alderman Long moved to approve the resolution. Alderman La Tour seconded the motion. Upon roll call the motion passed 7-1. Alderman Petty voting no.

Resolution 238-15 as recorded in the office of the City Clerk

2016 Transportation Division Overlay and Sidewalk Projects: A resolution to approve the Transportation Division Overlay and Sidewalk Projects list for 2016.

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

Alderman La Tour: When you are planning streets for our city, does aesthetics, convenience, or safety get the highest priority?

Terry Gulley: Safety, then convenience. Aesthetics are a design feature when we are doing a sidewalk or building a street.

Alderman La Tour: I spoke in favor of putting a sidewalk on Halsell Road. Six days a year we have Razorback football games. My family home is in the area. There are thousands of people walking in the street. There is no sidewalk, just a ditch. It is a horrible accident waiting to happen. I suspect more people walk on Halsell Road on one game day than walk on Palmer Street all year long.

Mayor Jordan: This went through the Transportation Department?

Alderman Petty: Yes. The consensus from the committee was that the sidewalk on Palmer was a higher priority than the Halsell sidewalk. The reason we are having this discussion is because we have tried to appease each of the aldermen whenever we come up with a program. I hope going forward that we will utilize a different approach to make these recommendations. Council members should be free and encouraged to try and make recommendations for what we should spend our money on. Those recommendations should stand on their merits and stand up against a program that has been derived from the best data we have available. Safety is a paramount concern. If we were going to only look at vehicular and pedestrian collisions, then there are a lot of other streets in town that would be getting this kind of work, well before Halsell Road.

Alderman Long: Palmer Street completes the puzzle all the way from Razorback to Wedington. This is the last missing link. We've got a city park at the intersection of Hotz, Palmer, and Sawyer Lane. It is a five way intersection. We have children walking right on the edge of the road by an extremely deep ditch with nowhere to go. We aren't just talking about University students. We are talking about school age children too. There are a lot of old trees on Halsell Road. I posed a question to many people and I received varying responses to a sidewalk on Halsell Road. Some were for, some against, and others didn't know what side of the street they wanted it to go on

because of the trees. I'm not against a sidewalk on Halsell Road. I am for a sidewalk on Palmer first, because it completes what our goal was to do.

Alderman Marsh: As a member of the Active Transportation Advisory Committee, we did have some concerns that our sidewalk plan was too ward driven, as opposed to needs based driven. Next on our agenda is to develop objective metrics for sidewalk prioritization. We should be looking at data. When talking about safety, we have little children walking in ditches to the Yvonne Richardson Center every day. We should be putting more dollars down there.

We are temporarily diverting \$500,000 from the Willow Bend project, which is a wise reallocation. The Nominating Committee met with and interviewed 32 people for boards and positions. We asked every one of them why they loved Fayetteville. All of them gave us the same two answers. It was our trails and our culture. If we are going to reallocate \$500,000 from the Willow Bend project, I would like to see us use that money to accelerate the build out of our trails program. It has come to my attention that there may possibly be some matching funds available so that we could leverage that money and get \$2 for every \$1. It would be a better opportunity for us to expand our trails network at a faster rate and might pay back greater dividends than investing that in resurfacing streets.

Alderman La Tour: I appreciate planning, but we built sidewalks on the west end of Halsell Road already this year. To say that building on Halsell is not keeping with the plan, we spent a lot of money there earlier this year. If you are trying to make a walkable trail to the University, you would go right down Halsell. When speaking of safety, hundreds, if not thousands of people walk down Halsell Road on game day. One game day has more people walking on Halsell Road than probably walking on Palmer all year long.

Alderman Gray: The reason I agreed with the switch from Halsell to Palmer was because of the long range plan. That plan started in the Ward 4 meeting where there was lots of discussion among residents as to where they wanted the sidewalk to go. That was the deciding factor for me.

Alderman Kinion: Is there information I can get about the possibility of matching funds on trails? If there is, this opens up a whole new discussion that I feel like hasn't been presented to the Council as a whole.

Don Marr, Chief of Staff: Council member Marsh and I had a discussion that we have had a long standing discussion with the private foundations that support and fund items in our community. They have had the willingness to match and provide funding for our trail program and are willing to do more if we could accommodate it. The challenge is that we build our trails ourselves, which allows us to build them at a lower cost and to take that money further in terms of distance. We are at capacity with our trail crews. For us to get additional money at this point, we would have to either contract out at a higher cost and get less trail built for the dollars or you are talking about a second trail crew. This is why we haven't brought that discussion forward to you at this point. We are using the full capacity of the trail crew for the matching funds for trails. We moved money into the trail program to maximize to the 100% capacity of our trail crews and maximize matching funds. We are at that tough spot where you either have to commit to a whole other crew, which is a much bigger cost that we haven't been willing to take on at this point because of our budget

constraints or you have to contract it out and get it built at a higher cost per distance. The foundations have been willing to wait until we had the capacity. This is the only reason we haven't brought that discussion to you.

Terry Gulley: In next year's production to get to that 100% we have added an extra \$420,000 above what was programmed to be in there.

A discussion followed about maximizing the city's capacity and the funds available up to that capacity.

Mayor Jordan: I am a huge supporter of the trails program, but we also have to repair the roads that we have. In order to do that we had to move money from Willow Bend. If we don't start repairing some of these roads, we are going to have some shoddy roads in the city. I know we can get matching funds for the trails, but at the same time we are sacrificing the roads that we are going to be able to repair in the city.

Don Marr, Chief of Staff: A road has a life, just like our fleet has a life. There's a point at which that life drops to where it is a greater cost because you have to rebuild the street if it degrades to a particular level.

A discussion followed about ward boundary request.

Terry Gulley stated he is in favor of this because funding for the overlay program is less now than it was nine years ago.

Alderman Long: I want to clarify that we put sidewalk on the part of Halsell that turns into Sang.

Lorraine O'Neal, 3001 West Wedington stated that safety should be the first priority and aesthetics should be the last consideration.

Alderman Long moved to approve the resolution. Alderman Gray seconded the motion. Upon roll call the motion passed 7-1. Alderman La Tour voting no.

Resolution 239-15 as recorded in the office of the City Clerk

The Field Shop, Inc.: A resolution to approve a contract with The Field Shop, Inc. of Little Rock to design, purchase and install upgraded audio-visual equipment in the City Council Chamber and City Hall Room 326 in the amount of \$186,168.00 plus applicable taxes and a project contingency in the amount of \$16,500.00; and upgraded audio-visual and broadcast system equipment in the Television Center in the amount of \$218,546.46 plus applicable taxes and a project contingency in the amount of \$5,000.00.

Don Marr, Chief of Staff gave a brief description about the CIP project for City Hall. He stated there would be some alternate locations for City Council and Planning Commission meetings while work is being done in the City Council chambers.

Susan Norton, Communications Director gave a brief description of the resolution.

Alderman Long: Will you show us how to use it?

Susan Norton: Absolutely. I think you will find it will be much easier to use. We will have training for sure.

Alderman Long: What will be the size of the displays?

Susan Norton: There will be four, 65 inch displays.

Don Marr: Those are for audience viewing. The Council's viewing will be on screens placed at your individual locations with the ability to move between the agenda, the voting items, and the display item.

Alderman Long: How long will it take to do this?

Don Marr: We are estimating about a month for the total renovation.

Lorraine O'Neal, 3001 West Wedington spoke in opposition of the resolution.

Alderman Long: Will this bring the room up to ADA compliance?

Mayor Jordan: Yes.

Alderman Long: This is not just convenience.

Don Marr: This is money that was allocated in the 2012 budget, and re-budgeted. The money is collected and in hand.

Mayor Jordan: We have patched and fixed. It is time to replace.

Alderman Gray moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the motion passed unanimously.

Resolution 240-15 as recorded in the office of the City Clerk

RZN 15-5194 Depalma Edition (Various Expired PZD Locations/Expired PZDs): An ordinance to rezone that property described in Rezoning Petition RZN 15-5194 for approximately 10.04 acres located at the south end of Anson Street from R-PZD 05-1798 (Depalma Edition) to RSF-4, Residential Single Family, 4 units per acre.

Assistant City Attorney Blake Pennington read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is recommending approval. The Planning Commission recommended in favor of the rezoning.

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 Petty was absent during the vote.

Assistant City Attorney Blake Pennington 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 Petty was absent during the vote.

Assistant City Attorney Blake Pennington read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the motion passed 7-0. Alderman Petty was absent during the vote.

Ordinance 5832 as recorded in the office of the City Clerk

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.

Assistant City Attorney Blake Pennington read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is recommending approval. The Planning Commission recommended 6-1 in favor of the rezoning. He stated the applicant and their attorney requested that the item be left on the first reading.

This ordinance was left on the First Reading.

RZN 15-5194 University Club Condos (Various Expired PZD Locations/Expired PZDs): An ordinance to rezone that property described in Rezoning Petition RZN 15-5194 for approximately 10.29 acres located at north end of Waterside Court from R-PZD 06-2191 (University Club Condos) to R-O, Residential-Office and C-2, Thoroughfare Commercial.

Assistant City Attorney Blake Pennington read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is recommending approval. The Planning Commission recommended in favor of the rezoning.

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 Petty was absent during the vote.

Assistant City Attorney Blake Pennington 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 Petty was absent during the vote.

Assistant City Attorney Blake Pennington read the ordinance.

Alderman Marsh: I am not comfortable with the C-2 zoning. The area would be better served with a mixed use development. None of our zoning classifications are a good fit for this condition with the grade change between the site and the main street.

Mayor Jordan asked shall the ordinance pass. Upon roll call the motion passed 7-0. Alderman Petty was absent during the vote.

Ordinance 5833 as recorded in the office of the City Clerk

RZN 15-5194 West Fork Place (Various Expired PZD Locations/Expired PZDs): An ordinance to rezone that property described in Rezoning Petition RZN 15-5194 for approximately 13.92 acres located at the south end of Ray Avenue from R-PZD 06-2196 (West Fork place) to RSF-4, Residential Single Family, Four Units Per Acre.

Assistant City Attorney Blake Pennington read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is recommending approval. The Planning Commission recommended in favor of the rezoning.

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 Petty was absent during the vote.

Assistant City Attorney Blake Pennington read the ordinance.

Alderman Gray 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 Petty was absent during the vote.

Assistant City Attorney Blake Pennington read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the motion passed 7-0. Alderman Petty was absent during the vote.

Ordinance 5834 as recorded in the office of the City Clerk

RZN 15-5194 Amberwood Place (Various Expired PZD Locations/Expired PZDs): An ordinance to rezone that property described in Rezoning Petition RZN 15-5194 for approximately 39.98 acres located at southeast of Double Springs and Dot Tipton Roads from R-PZD 08-2965 (Amberwood Place) to R-A, Residential-Agricultural.

Assistant City Attorney Blake Pennington read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is recommending approval. The Planning Commission recommended in favor of the rezoning.

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 Petty** was absent during the vote.

Assistant City Attorney Blake Pennington read the ordinance.

Alderman Long 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 Petty** was absent during the vote.

Assistant City Attorney Blake Pennington read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the motion passed 7-0. **Alderman Petty** was absent during the vote.

Ordinance 5835 as recorded in the office of the City Clerk

RZN 15-5194 Porchscapes (Various Expired PZD Locations/Expired PZDs): An ordinance to rezone that property described in Rezoning Petition RZN 15-5194 for approximately 8.81 acres located at the South End of Seven Hills Drive from R-PZD 08-3006 (Porchscapes) to RSF-4, Residential Single Family, Four Units Per Acre.

Assistant City Attorney Blake Pennington read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is recommending approval. The Planning Commission recommended in favor of the rezoning.

Alderman Tennant 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 Petty** was absent during the vote.

Assistant City Attorney Blake Pennington 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 Petty was absent during the vote.

Assistant City Attorney Blake Pennington read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the motion passed 7-0. Alderman Petty was absent during the vote.

Ordinance 5836 as recorded in the office of the City Clerk

RZN 15-5194 Stonewood Gardens (Various Expired PZD Locations/Expired PZDs): An ordinance to rezone that property described in rezoning petition RZN 15-5194 for approximately 3.36 acres located at the southeast corner of Crossover and Albright Roads from R-PZD 08-3022 (Stonewood Gardens) to R-O, Residential-Office.

Assistant City Attorney Blake Pennington read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is recommending approval. The Planning Commission recommended in favor of the rezoning.

Lorraine O'Neal, 3001 West Wedington stated she has attended many Council meetings and believes that a lot of time is spent on rezonings.

Alderman Tennant 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 Petty was absent during the vote.

Assistant City Attorney Blake Pennington read the ordinance.

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 Petty was absent during the vote.

Assistant City Attorney Blake Pennington read the ordinance.

Alderman Long: I would like to address Lorraine's statement. We do spend a lot of time on these, but we aren't supposed to leave properties without zonings. These PZD's have expired and can't be developed or built on. We have to address them when staff brings them forward.

Lorraine O'Neal, 3001 West Wedington stated her appreciation for the clarification.

Mayor Jordan asked shall the ordinance pass. Upon roll call the motion passed 7-0. Alderman Petty was absent during the vote.

Ordinance 5837 as recorded in the office of the City Clerk

RZN 15-5194 College Avenue Townhomes (Various Expired PZD Locations/Expired PZDs):

An ordinance to rezone that property described in Rezoning Petition RZN 15-5194 for approximately 2.34 acres located at North College Avenue and Golden Eagle Drive from R-PZD 07-2649 (College Avenue Townhomes) to R-O, Residential-Office.

Assistant City Attorney Blake Pennington read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is recommending approval. The Planning Commission recommended in favor of the rezoning.

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 Petty was absent during the vote.

Assistant City Attorney Blake Pennington read the ordinance.

Alderman Tennant moved to suspend the rules and go to the third and final reading. Alderman Schoppmeyer seconded the motion. Upon roll call the motion passed 7-0. Alderman Petty was absent during the vote.

Assistant City Attorney Blake Pennington read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the motion passed 7-0. Alderman Petty was absent during the vote.

Ordinance 5838 as recorded in the office of the City Clerk

Announcements:

Don Marr, Chief of Staff: The City of Fayetteville was named the third best city to found a company outside of Silicon Valley and New York. We were ranked fourth as the best college town in the United States and the number one college town within the SEC.

City offices will be closed on December 24-25, 2015 for the Christmas holiday.

The Transfer Station at our Recycling and Trash Facility will be open on December 24, 2015 from 6:00 a.m. to noon. All residential and commercial collections that take place on December 24th will occur as normal. Collections that are normally on December 25th will occur on December 24th or December 26th.

The city will be taking Christmas trees through the month of January.

The City of Fayetteville has free mulch to give away.

We have a lot of projects going on around town. There has been some morning traffic congestion with the closing of east Dickson Street. Please allow yourself extra time in your commute with our detour routes.

Alderman Long: We will not be having a Ward 4 meeting this month due to the holiday.

City Council Agenda Session Presentations:

Agenda Session Presentation - Building Efficiency Improvements by Peter Nierengarten.

City Council Tour: None

Adjournment: 9:00 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk Treasurer

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
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, Mayor

Sondra E. Smith, City Clerk Treasurer

City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323



Meeting Agenda - Tentative Agenda

Tuesday, January 12, 2016

4:30 PM

City Hall Room 326

City Council Agenda Session

Adella Gray Ward 1
Sarah Marsh Ward 1
Mark Kinion Ward 2
Matthew Petty Ward 2
Justin Tennant Ward 3
Martin W. Schoppmeyer, Jr. Ward 3
John S. La Tour Ward 4
Alan Long Ward 4

ELECTED OFFICIALS:
Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items:

1. [2016-0015](#)
PRESENTATION OF THE CITY OF FAYETTEVILLE 2016 DR.
MARTIN LUTHER KING, JR. BROTHERHOOD AWARD - KIT
WILLIAMS
2. [2016-0002](#)
STATE OF THE CITY - BY MAYOR LIONELD JORDAN

Agenda Additions

A. Consent:

- A. 1 [2016-0001](#)
APPROVAL OF THE DECEMBER 15, 2015 AND JANUARY 5, 2016
CITY COUNCIL MEETING MINUTES
- A. 2 [2016-0004](#)
PIERCE MANUFACTURING DONATION REVENUE:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE
AMOUNT OF \$500.00 REPRESENTING DONATION REVENUE
FROM PIERCE MANUFACTURING TO THE FAYETTEVILLE FIRE
DEPARTMENT FOR THE ANNUAL EMPLOYEE SERVICE AWARDS
EVENT

Attachments: [SRF_SRM_Donation Revenue-Pierce Manufacturing](#)
[Fire Donation BA](#)

B. Unfinished Business:

B. 1 [2015-0571](#)

**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

Attachments:

[15-5194 CC reports \(VillasatStonebridge\)](#)

*At the December 15, 2015 City Council meeting, this ordinance was left on the
first reading. At the January 5, 2016 City Council meeting, this ordinance was
left on the second reading.*

B. 2 [2015-0634](#)

**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

Attachments:

[15-5253 CC DOCS 1](#)

At the January 5, 2016 City Council meeting, this ordinance was tabled.

C. New Business:

C. 1 [2016-0006](#)

AMEND THE 2016 ADOPTED BUDGET:

A RESOLUTION TO AMEND THE 2016 ADOPTED BUDGET BY
REAPPROPRIATING \$71,748,700.00 IN BONDED OR ONGOING
CAPITAL PROJECTS, OUTSTANDING OBLIGATIONS AND GRANT
FUNDED ITEMS

Attachments:

[2016-0006 REBUDGET PACKET.pdf](#)

C. 2 [2016-0007](#)

**AMEND § 72.02 NONCONSENSUAL, POLICE-INITIATED
TOWING, STORAGE AND IMPOUNDMENT PROCEDURES AND
§ 72.03 PARKING PROHIBITED IN CERTAIN PLACES:**

AN ORDINANCE TO AMEND § 72.02 NONCONSENSUAL,
POLICE-INITIATED TOWING, STORAGE AND IMPOUNDMENT
PROCEDURES AND § 72.03 PARKING PROHIBITED IN CERTAIN
PLACES TO CLARIFY THAT PERSONS MAY NOT LEGALLY PARK
THEIR MOTOR VEHICLES ON CITY TRAILS

Attachments: [Agenda Packet § 72.02 and § 72.03](#)

D. City Council Agenda Session Presentations:

E. City Council Tour:

F. Announcements:

G. Adjournment

NOTICE TO MEMBERS OF THE AUDIENCE

All interested persons may address the City Council on agenda items of New and Old Business. Please wait for the Mayor to request public comment and then come to the podium, give your name, address, and comments about the agenda item. Please address only the Mayor. Questions are usually answered by the Mayor, Aldermen or Staff after the public comment period is over. Please keep your comments brief and respectful. Each person is only allowed one turn at the microphone for discussion of an agenda item.

All cell phones must be silenced and may not be used within the City Council Chambers.

Below is a portion of the Rules of Order and Procedure of the Fayetteville City Council pertaining to City Council meetings:

Agenda additions: A new item which is requested to be added to the agenda at a City Council meeting should only be considered if it requires immediate City Council consideration and if the normal agenda setting process is not practical. The City Council may only place such new item on the City Council meeting's agenda by suspending the rules by two-thirds vote. Such agenda addition shall be heard prior to the Consent Agenda.

Consent Agenda: Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If an Alderman wishes to comment upon or discuss a Consent Agenda item, that item shall be removed and considered immediately after the Consent Agenda has been voted upon.

Old business and new business.

Presentations by staff and applicants. Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aids in a City Council meeting as part of their presentation.

Public comments. Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.

Courtesy and respect.

All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

Interpreters or TDD for hearing impaired are available for all City Council meetings, a 72 hour advance notice is required. For further information or to request an interpreter, please call 479-575-8330.

A copy of the complete City Council agenda is available at www.fayetteville-ar.gov or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas.



City of Fayetteville, Arkansas

Tentative Agenda
January 12, 2016
Page 6 of 103
113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2016-0004

Agenda Date: 1/19/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: A. 2

PIERCE MANUFACTURING DONATION REVENUE:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$500.00 REPRESENTING DONATION REVENUE FROM PIERCE MANUFACTURING TO THE FAYETTEVILLE FIRE DEPARTMENT FOR THE ANNUAL EMPLOYEE SERVICE AWARDS EVENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution, in the amount of \$500.00 to recognize donation revenue from Pierce Manufacturing to the Fayetteville Fire Department for the annual employee service awards even.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby expresses its sincere appreciation for the donations.

City of Fayetteville Staff Review Form

2016-0004

Legistar File ID

1/19/2016

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

David Dayringer

12/21/2015

Fire /
Fire Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A resolution approving a budget adjustment in the amount of \$500.00 to recognize donation revenue from Pierce Manufacturing to be allocated for funding of the Fayetteville Fire Department's annual employee service awards event.

Budget Impact:

1010.3020.5329.00		General	
Account Number		Fund	
36029/1		Donations-Fire	
Project Number		Project Title	
Budgeted Item?	NA	Current Budget	\$ 727.00
		Funds Obligated	
		Current Balance	\$ 727.00
Does item have a cost?	NA	Item Cost	
Budget Adjustment Attached?	Yes	Budget Adjustment	\$ 500.00
		Remaining Budget	\$ 1,227.00

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:



CITY COUNCIL AGENDA MEMO

TO: Mayor Lioneld Jordan and City Council

FROM: David Dayringer, Fire Chief

DATE: December 21, 2015

SUBJECT: Recognition and acceptance of donation to Fayetteville Fire Department

RECOMMENDATION:

A resolution approving a budget adjustment in the amount of \$500.00 to recognize donation revenue from Pierce Manufacturing to be allocated for funding of the Fayetteville Fire Department's annual employee service awards event.

DISCUSSION:

Each year, the City of Fayetteville Fire Department receives donations from various businesses and private donors to support the department's employee recognition program. The funds are typically utilized to cover expenses associated with an employee service awards banquet, during which the firefighters are honored and recognized for achievements which took place throughout the year.

BUDGET/STAFF IMPACT:

These funds have been deposited into revenue account number 1010.0001.4809.00 36029/1—Donations and will be reallocated to expense account number 1010.3020.5329.00 36029/1—Employee Recognition upon City Council approval to recognize and accept this donation.

Attachments:

Budget Adjustment

Approve Budget Adjustment to recognize \$500.00 in donation revenue to be allocated towards funding of the Fire Department employee service awards event.

RESOLUTION/ORDINANCE[illegible]



City of Fayetteville, Arkansas

Tentative Agenda
January 12, 2016
Page 10 of 103
113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0571

Agenda Date: 1/19/2016

Version: 1

Status: Second Reading

In Control: City Council Meeting

File Type: Ordinance

Agenda Number: B. 1

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

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from RPZD 06-2170 (Villas at Stonebridge) to R-A, Residential-Agricultural.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

City of Fayetteville Staff Review Form

2015-0571

Legistar File ID

12/15/2015

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate

11/25/2015

City Planning /
Development Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

RZN 15-5194: Rezone (VARIOUS EXPIRED PZD LOCATIONS/EXPIRED PZDs, PP VARIES): Submitted by CITY PLANNING STAFF for VARIOUS PROPERTIES LOCATED WITHIN THE CITY LIMITS OF FAYETTEVILLE. The properties are zoned under expired PZD'S. The request is to rezone R-PZD 06-2170 (Villas at Stonebridge) back to its previous zoning before the PZD was approved.

Budget Impact:

Account Number

Fund

Project Number

Project Title

Budgeted Item? NA

Current Budget \$ -

Funds Obligated \$ -

Current Balance \$ -

Does item have a cost? No

Item Cost

Budget Adjustment Attached? NA

Budget Adjustment

Remaining Budget \$ -

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF DECEMBER 15, 2015

TO: Fayetteville City Council

FROM: Andrew Garner, City Planning Director

DATE: November 25, 2015

SUBJECT: **RZN 15-5194: Rezone (VARIOUS EXPIRED PZD LOCATIONS/EXPIRED PZDs, PP VARIES):** Submitted by CITY PLANNING STAFF for VARIOUS PROPERTIES LOCATED WITHIN THE CITY LIMITS OF FAYETTEVILLE. The properties are zoned under expired PZD'S. The request is to rezone the properties back to their previous zoning before the PZDs were approved.

RECOMMENDATION:

The Planning Commission and staff recommend approval of an ordinance to rezone the subject properties as shown in *Table 1*.

**TABLE 1
EXPIRED PZDs TO BE REZONED**

PZD Name	Location	Zoning District(s) Prior to PZD	Proposed Zoning Dist.	Acreage
DePalma Addition	S. end of Anson St.	RSF-4	RSF-4	10.04
College Avenue Townhomes	N. College Ave. & Golden Eagle	R-O & C-2	R-O	2.34
Amberwood Place	S. E. of Double Springs & Dot Tipton Rds.	R-A	R-A	39.98
Villas at Stonebridge	E. of Riverwalk SD on Dead Horse Mtn. Rd.	R-A	R-A	53.03
University Club Condos	North End of Waterside Ct.	R-O & C-2	R-O & C-2	10.29
West Fork Place	South end of Ray Ave.	RSF-4, C-2, I-2, R-A	RSF-4	13.92
Porchscapes	South end of Seven Hills Dr.	RSF-4 & RMF-12	RSF-4	8.81
Stonewood Gardens	S.E. of Crossover & Albright Rds.	R-O	R-O	3.36

BACKGROUND:

The subject properties consist of eight expired Planned Zoning Districts (PZD) that are located throughout the City limits of Fayetteville and are currently undeveloped. The original zoning of these properties, before they became PZDs, range from R-A, Residential-Agricultural to C-2, Thoroughfare Commercial. Under the old PZD ordinance, which was in place when each of these projects were approved, construction permits had to be secured within a specific timeframe. If permits were not obtained then the development rights were null and void. As a result, each of these properties are zoned PZD but have no development rights. Therefore, staff propose to rezone the properties back to one or more of their previous zoning designations as depicted in *Table 1*. The proposed zoning districts for all of the expired PZDs have been analyzed by staff and are compatible with the existing surrounding land uses and Future Land Use Plan (see *Table 2*).

**TABLE 2
FUTURE LAND USE/ZONING COMPARISON**

PZD Name	Location	Future Land Use Designation	Proposed Zoning Dist.	Acreage
DePalma Addition	S. end of Anson St.	Residential Neighborhood	RSF-4	10.04
College Avenue Townhomes	N. College Ave. & Golden Eagle	City Neighborhood	R-O	2.34
Amberwood Place	S. E. of Double Springs & Dot Tipton Rds.	Rural Residential	R-A	39.98
Villas at Stonebridge	E. of Riverwalk SD on Dead Horse Mtn. Rd.	Rural Residential	R-A	53.03
University Club Condos	North End of Waterside Ct.	City Neighborhood	R-O & C-2	10.29
West Fork Place	South end of Ray Ave.	Residential Neighborhood	RSF-4	13.92
Porchscapes	South end of Seven Hills Dr.	City Neighborhood	RSF-4	8.81
Stonewood Gardens	S.E. of Crossover & Albright Rds.	Residential Neighborhood	R-O	3.36

DISCUSSION:

This project was tabled at the November 9, 2015 Planning Commission meeting at the request of the attorney for the Villas at Stonebridge property. The attorney requested time to allow them to submit additional comments to the Planning Commission. A member of the public also spoke indicating opposition to rezoning the Villas at Stonebridge to a similar density as previously approved. Prior to the November 23, 2015 meeting, the attorney for the Villas at Stonebridge submitted an email requesting to rezone the property to RSF-4. This request was consistent with staff's initial conversation with the property owner several weeks earlier, who also indicated a desire for RSF-4. This request was communicated to the Planning Commission at both the

November 9th and November 23rd meetings. However, the Planning Commission and City Planning staff recommend R-A, Residential Agricultural for that property, as indicated in *Table 1* and discussed further below.

Villas at Stonebridge: Staff's recommendation for R-A is based on this property being located on the outskirts of the city in a predominantly rural area. Suburban densities would generally be out of character with the undeveloped nature of most of the surrounding land. In addition, the Future Land Use Plan does not indicate suburban growth in this area as it designates this site a **Rural Residential Area**.

*"Rural Residential Areas recognize existing low-density, large lot residential development, but are identified to encourage the conservation and preservation of woodlands, grasslands, or agricultural lands that are sparsely settled."*¹

Rezoning the Villas at Stonebridge property would be in conflict with the Future Land Use Plan and the overall land use goals and policies adopted by City Council, in staff's opinion.

On November 23, 2015 the Planning Commission forwarded this item to the City Council with a recommendation for approval as recommended by staff. There were three different motions on this request as follows:

Motion #1: vote on the Villas at Stonebridge separate from the other expired PZDs.
The motion passed by vote of 7-0-0.

Motion #2: forward all of the expired PZDs to the City Council, except for the Villas at Stonebridge, with a recommendation for approval as proposed by staff. The motion passed by a vote of 7-0-0.

Motion #3: forward the Villas at Stonebridge to the City Council with a recommendation for it to be rezoned to R-A, Residential Agricultural.
The motion passed by a vote of 6-1-0 (Commissioner Hoskins voted 'no').

BUDGET/STAFF IMPACT:
N/A

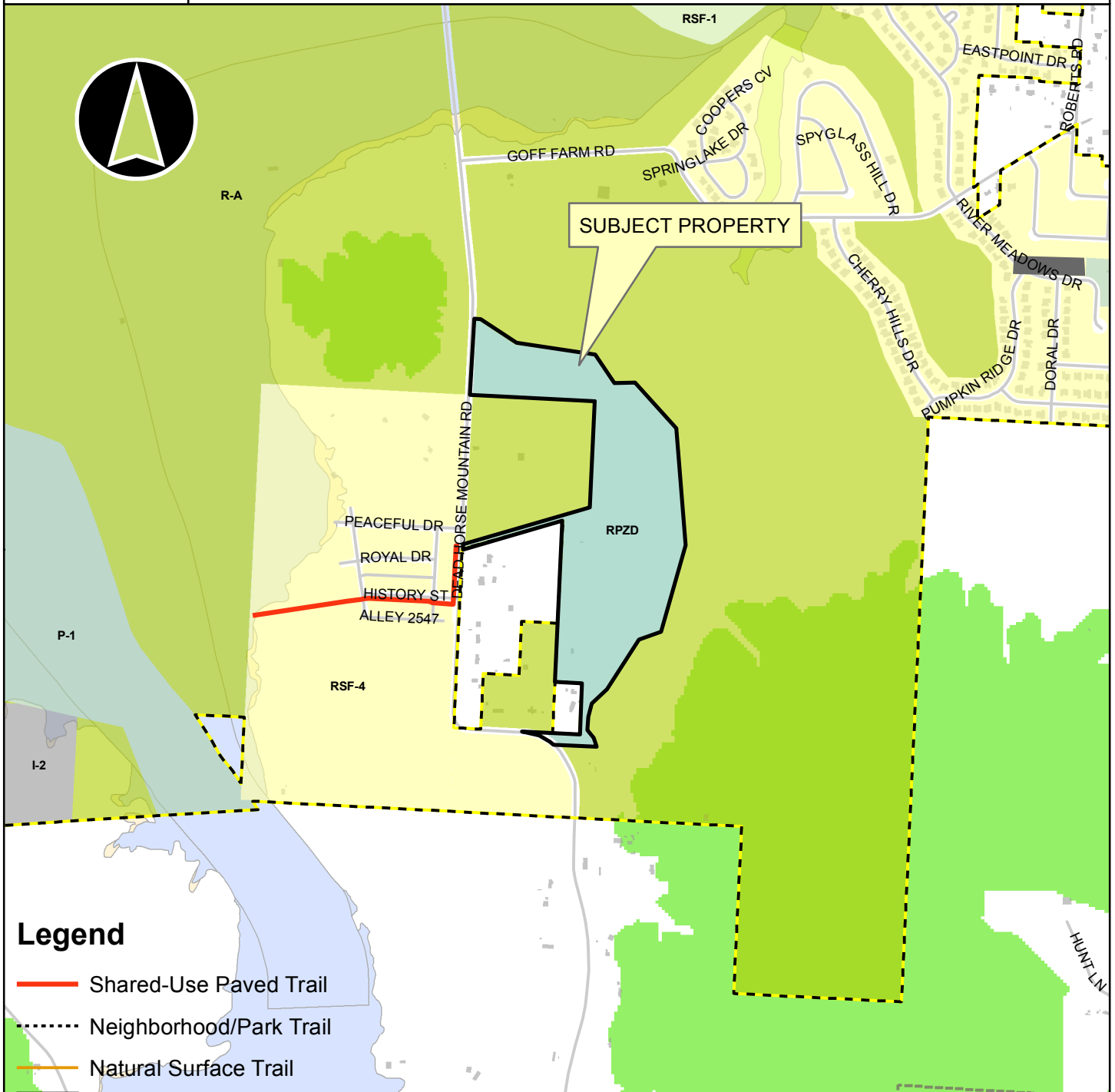
Attachments:
CC Ordinance
Exhibits A
Exhibits B
Planning Commission Staff Report

¹ City of Fayetteville. July 5, 2011. City Plan 2030. Chapter 12 – Guiding Policies

RPZD06-2170

VILLAS AT STONEBRIDGE

Close Up View



Legend

- Shared-Use Paved Trail
- - - Neighborhood/Park Trail
- Natural Surface Trail

Overview

RPZD06-2170

 Fayetteville City Limits

Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

- - - Planning Area

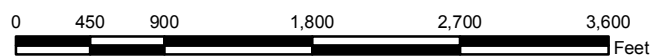


EXHIBIT "B"
R-PZD 06-2170

A PART OF SECTION 24, AND A PART OF SECTION 25 ALL IN TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF NORTHEAST QUARTER OF SECTION 25 AND RUNNING THENCE N 87°01'16" W 987.33 FEET TO THE CENTERLINE OF DEAD HORSE MOUNTAIN ROAD; THENCE ALONG SAID CENTERLINE N 03°03'00" E 600.87 FEET; THENCE LEAVING SAID ROAD CENTERLINE S 87°01'16" E 52.27 FEET; THENCE S 56°35'20" E 339.81 FEET; THENCE S 81°27'33" E 631.08 FEET; THENCE S33°49'31" E 271.57 FEET; N 88°15'23" E 161.27 FEET; THENCE S 42°11'39" E 488.91 FEET; THENCE S 04°36'52" E 928.17 FEET; THENCE S 15°59'30" W 713.53 FEET; THENCE S 70°37'32" W 185.48 FEET; THENCE S 32°39'52" W 467.30 FEET; THENCE S 46°59'22" W 162.84 FEET; THENCE S 16°02'22" W 109.30 FEET; THENCE S02°33'46" W 105.25 FEET; THENCE S 38°49'44" E 79.65 FEET; THENCE S 16°12'04"E 74.82 FEET; THENCE N 86°55'06" W 339.76 FEET TO THE CENTERLINE OF DEAD HORSE MOUNTAIN ROAD; THENCE ALONG SAID ROAD CENTERLINE N 49°07'24" W 36.69 FEET; THENCE N 60°12'41" W 100.88 FEET; THENCE N 77°29'04" W 137.15 FEET; THENCE LEAVING SAID CENTERLINE S 86°55'06" E 456.61 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 25; THENCE N 02°33'46" E 407.00 FEET; THENCE N 87°26'15" W 213.99 FEET; THENCE N 02°33'46" E 1276.27 FEET; THENCE S 73°50'46" W 819.41 FEET TO A POINT IN THE COUNTY ROAD; THENCE N02°33'46" E 42.23 FEET; THENCE N 73°50'46" E 1045.35 FEET; THENCE N02°33'46" E 843.38 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 53.03 ACRES MORE OR LESS. SUBJECT TO AND EASEMENTS AND OR RIGHT OF WAYS OF RECORD

PLANNING COMMISSION MEMO

TO: City of Fayetteville Planning Commission

FROM: Andrew Garner, City Planning Director

MEETING DATE: November 23, 2015 *Updated with Planning Commission results*

SUBJECT: **RZN 15-5194: Rezone (VARIOUS EXPIRED PZD LOCATIONS/EXPIRED PZD'S, PP VARIES):** Submitted by CITY PLANNING STAFF for VARIOUS PROPERTIES LOCATED WITHIN THE CITY LIMITS OF FAYETTEVILLE. The properties are zoned under expired PZD'S. The request is to rezone the properties back to their previous zoning before the PZDs were approved.

RECOMMENDATION:

Staff recommends **RZN 15-5194** be forwarded to the City Council with a recommendation for approval.

BACKGROUND:

This project was tabled at the November 9, 2015 Planning Commission meeting at the request of the attorney for the Villas at Stonebridge property. The attorney requested time to allow them to submit additional comments to the Planning Commission. At the time of publication of this report staff has not received formal comment from the Villas at Stonebridge, other than the earlier phone conversation as noted in this staff report.

The subject properties consist of 8 expired Planned Zoning Districts that are located throughout the City limits of Fayetteville and are currently undeveloped. The original zoning of these properties, before they became PZDs, range from R-A, Residential-Agricultural to C-2, Thoroughfare Commercial. Under the old PZD ordinance, which was in place when each of these projects were approved, construction permits had to be secured within a specific timeframe. If permits were not obtained then the development rights were null and void. As a result, each of these properties are zoned PZD but have no development rights. Therefore, staff propose to rezone the properties back to one or more of their previous zoning designations as shown below in *Table 1*.

Request: City Planning staff requests to rezone the properties from the expired PZD designation back to one or more of their original zoning designations.

Public Comment: Staff has received public comment in the form of general inquiries from adjacent property owners. Four neighbors for various PZDs requested to know the proposed zoning and if it would affect their properties. Staff has also received comment from property owners of the expired PZDs. Buddy People, owner of Stonewood Gardens PZD, expressed support for the City's recommendation to rezone his property back to R-O. Dave Chapman, property owner of the parcels associated with University Club Condos contacted this office to request the western parcel be rezoned to C-2 and the eastern parcel to be rezoned to R-O, as proposed by staff. Mitchell Massey, owner representative for the Villas at Stonebridge disagrees with staff's

recommendation to rezone their property back to R-A, and proposes a suburban residential zoning district such as RSF-4. The property owners for DePalma Addition PZD met with staff and expressed support for staff's recommendation to rezone their property back to RSF-4.

**TABLE 1
EXPIRED PZDs TO BE REZONED**

PZD Name	Location	Zoning District(s) Prior to PZD	Proposed Zoning Dist.	Acreage
DePalma Addition	S. end of Anson St.	RSF-4	RSF-4	10.04
College Avenue Townhomes	N. College Ave. & Golden Eagle	R-O & C-2	R-O	2.34
Amberwood Place	S. E. of Double Springs & Dot Tipton Rds.	R-A	R-A	39.98
Villas at Stonebridge	E. of Riverwalk SD on Dead Horse Mtn. Rd.	R-A	R-A	53.03
University Club Condos	North End of Waterside Ct.	R-O & C-2	R-O & C-2	10.29
West Fork Place	South end of Ray Ave.	RSF-4, C-2, I-2, R-A	RSF-4	13.92
Porchscapes	South end of Seven Hills Dr.	RSF-4 & RMF-12	RSF-4	8.81
Stonewood Gardens	S.E. of Crossover & Albright Rds.	R-O	R-O	3.36

CITY PLAN 2030 FUTURE LAND USE PLAN: City Plan 2030 Future Land Use Plan varies by property. Please see Table 2 below.

**TABLE 2
FUTURE LAND USE/ZONING COMPARISON**

PZD Name	Location	Future Land Use Designation	Proposed Zoning Dist.	Acreage
DePalma Addition	S. end of Anson St.	Residential Neighborhood	RSF-4	10.04
College Avenue Townhomes	N. College Ave. & Golden Eagle	City Neighborhood	R-O	2.34
Amberwood Place	S. E. of Double Springs & Dot Tipton Rds.	Rural Residential	R-A	39.98
Villas at Stonebridge	E. of Riverwalk SD on Dead Horse Mtn. Rd.	Rural Residential	R-A	53.03
University Club Condos	North End of Waterside Ct.	City Neighborhood	R-O & C-2	10.29
West Fork Place	South end of Ray Ave.	Residential Neighborhood	RSF-4	13.92
Porchscapes	South end of Seven Hills Dr.	City Neighborhood	RSF-4	8.81
Stonewood Gardens	S.E. of Crossover & Albright Rds.	Residential Neighborhood	R-O	3.36

FINDINGS OF THE STAFF

RECOMMENDATION: Staff recommends RZN 15-5194 be forwarded to City Council with a recommendation for approval, finding that the proposed rezoning will remove the expired and outdated PZD zoning and allow development compatible with the existing adjacent uses and consistent with the Future Land Use Plan.

PLANNING COMMISSION ACTION:				Required	<u>YES</u>
Date: <u>November 9, 2015</u>	☒ Tabled	☐ Forwarded	☐ Denied		
Motion: <u>Chesser</u>	Second: <u>Hoffman</u>	Vote: <u>9-0-0</u>			
Date: <u>November 23, 2015</u> ☒ Forwarded as recommended by staff					
<u>Motion #1 (Chesser, Brown 2nd):</u> vote on the Villas at Stonebridge separate from the other expired PZDs. <i>The motion passed by vote of 7-0-0.</i> <u>Motion #2(Chesser, Cook 2nd):</u> forward all of the expired PZDs to the City Council, except for the Villas at Stonebridge, with a recommendation for approval as proposed by staff. <i>The motion passed by a vote of 7-0-0.</i> <u>Motion #3 (Chesser, Brown 2nd):</u> forward the Villas at Stonebridge to the City Council with a recommendation for it to be rezoned to R-A, Residential Agricultural. <i>The motion passed by a vote of 6-1-0 (Commissioner Hoskins voted 'no').</i>					

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** The proposed zoning districts are compatible with the surrounding land uses. The properties are proposed to be returned to one or more of their previous zoning designations prior to the approval of the PZDs.

Land Use Plan Analysis: The proposed zonings are compatible with the Future Land Use Map which vary from property to property. See Table 2.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: **In staff's opinion, the recommended zoning districts are justified at this time as the properties are currently within an expired PZD and have no development rights.**

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: **Rezoning the properties will not likely increase traffic danger or congestion. The rezoning will simply return the subject properties back to previous zoning that was in place prior to the PZD.**

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: **Rezoning the properties will not increase the potential population density or load on public services. Again, this rezoning will return the subject**

properties back to a zoning district that was in place prior to the PZD – this rezoning is not an ‘up-zone’. The Police and Fire Departments have expressed no objections to the proposal.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
 - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

BUDGET/STAFF IMPACT:

None

Attachments:

- Request Letter
- Example notification letter to owners
- Close Up Maps
- One Mile Maps
- Citywide Overall Map



November 03, 2015

City of Fayetteville, City Planning Division
Fayetteville, AR 72701

Sarah Bunch, Chair
Fayetteville Planning Commission
City of Fayetteville, Arkansas
113 W. Mountain St
Fayetteville, AR 72701

Re: Rezone Request for Expired Planned Zoning Districts

Dear Planning Commission Chair:

Please accept this letter as a request to rezone eight different expired Planned Zoning Districts (PZDs) that are located through the City of Fayetteville and are currently undeveloped.

The original zoning of these properties, before they became PZDs ranges from R-A, Residential-Agricultural to C-2, Thoroughfare Commercial. Under the old PZD ordinance, which was in place when each of these projects were approved, construction permits had to be secured within a specific timeframe. If permits were not obtained then the development rights were null and void. As a result, each of these properties are zoned PZD but have no development rights. Having no development rights on a piece of property puts the property owner in a difficult situation and places the City in a vulnerable legal position. It is essential for the City to rezone all of these properties to remove the expired zoning and return development rights to the property owner.

Staff proposes to rezone the properties back to one or more of their previous zoning designations as listed below and indicated in the attached staff report.

**TABLE 1
EXPIRED PZDs TO BE REZONED**

PZD Name	Location	Zoning District(s) Prior to PZD	Proposed Zoning Dist.	Acreage
DePalma Addition	S. end of Anson St.	RSF-4	RSF-4	10.04
College Avenue Townhomes	N. College Ave. & Golden Eagle	R-O & C-2	R-O	2.34
Amberwood Place	S. E. of Double Springs & Dot Tipton Rds.	R-A	R-A	39.98
Villas at Stonebridge	E. of Riverwalk SD on Dead Horse Mtn. Rd.	R-A	R-A	53.03
University Club Condos	North End of Waterside Ct.	R-O & C-2	R-O & C-2	10.29
West Fork Place	South end of Ray Ave.	RSF-4, C-2, I-2, R-	RSF-4	13.92
Porchscapes	South end of Seven Hills Dr.	RSF-4 & RMF-12	RSF-4	8.81
Stonewood Gardens	S.E. of Crossover & Albright Rds.	R-O	R-O	3.36



Should the commission disagree with staff's proposed zoning district staff would recommend the commission forward the request to City Council with some type of zoning recommendation. Again, it is important for all of these properties to be assigned a valid zoning district of some type as soon as possible. The property owner or future developer can always propose a different zoning district at a later time if needed for a specific development.

Thank you for time and consideration of this request.

Sincerely,

A handwritten signature in blue ink that reads "Andrew Garner".

Andrew Garner, AICP
City Planning Director
City of Fayetteville Development Services
agarner@fayetteville-ar.gov
479.575.8262



September 28, 2015

JRJBCS, LLC.
2995 N. Firewood Drive
Fayetteville, AR 72703

***RE Expired PZD-Amberwood Place
R-PZD 08-2965***

Dear Property Owner:

This letter is in reference to your properties, parcel numbers 765-16202-150, 765-16202-450, 765-16202-500, 765-16202-550, 765-16202-600, 765-16202-650, 765-20489-100, and 765-20489-200. On April 7, 2009 the City Council approved R-PZD 08-2965 (Amberwood Place) for a residential subdivision with 182 single family dwelling units. The construction permits for the Amberwood Subdivision have not been obtained in the required timeline and this PZD has expired.

In order to remove this expired PZD and bring the properties into a zoning district that is more compatible to the area and the current use of the land, the City of Fayetteville is proposing to rezone your properties back to R-A, Residential-Agriculture. A map of the area to be proposed for rezoning is attached, along with a copy of the zoning map of the area.

If you would like to provide comments or feedback to the City Planning Division about rezoning your property before we submit an application, please contact me by October 12, 2015. If the rezoning goes as planned the proposal will be discussed at the Planning Commission meeting on November 9, 2015. You are free to discuss the rezoning with me any time and are welcome to speak at the public hearing(s).

Should you have any questions or concerns about this information please contact me.

Regards,

Andrew Garner, AICP
City Planning Director
City of Fayetteville
Ph. 479.575.8262
agarner@fayetteville-ar.gov

Att: Expired PZD-Amberwood Place rezoning area
Existing zoning map

Garner, Andrew

From: RRhoads@HallEstill.com
Sent: Thursday, November 19, 2015 12:10 PM
To: Garner, Andrew
Cc: Harrison, Andy
Subject: FW: Emailing: STONEBRIDGE WEST_ZONING WITH FLOODPLAIN INFO
Attachments: STONEBRIDGE WEST_ZONING.pdf; STONEBRIDGE WEST_ZONING.pdf

Andrew: as promised here is my requested submission to the Planning Commission on behalf of my clients the owners of Villas at Stonebridge (Stonebridge West). My first request is for you and your staff to change your R-A request to RSF-4. In support, I've enclosed 2 maps; one shows the current zoning around Stonebridge West and the other is the same map with the flood plain superimposed. These maps clearly show that RSF-4 would be appropriate as Stonebridge West is surrounded by a large amount of similar density or a golf course or undevelopable flood plains. This site as a PZD was City Council approved for 6.6 units per acre and held that entitlement up until just a few years ago and under the current PZD ordinance it wouldn't have expired. The prior owners of this property were part of the group that help fund the infrastructure under the river that Fayetteville residents in close-by neighborhoods currently enjoy. Finally, between me and the owners , we've talked to a good number of neighboring land owners and find them agreeable to RSF-4. I thank you in advance for your consideration. RKR

Robert K. Rhoads | Shareholder
75 N. East St., Suite 402
Fayetteville, AR 72701
T: 479-973-5200 | C: 236-1414 | F: 479-973-0520 www.hallestill.com | [my bio](#)

-----Original Message-----

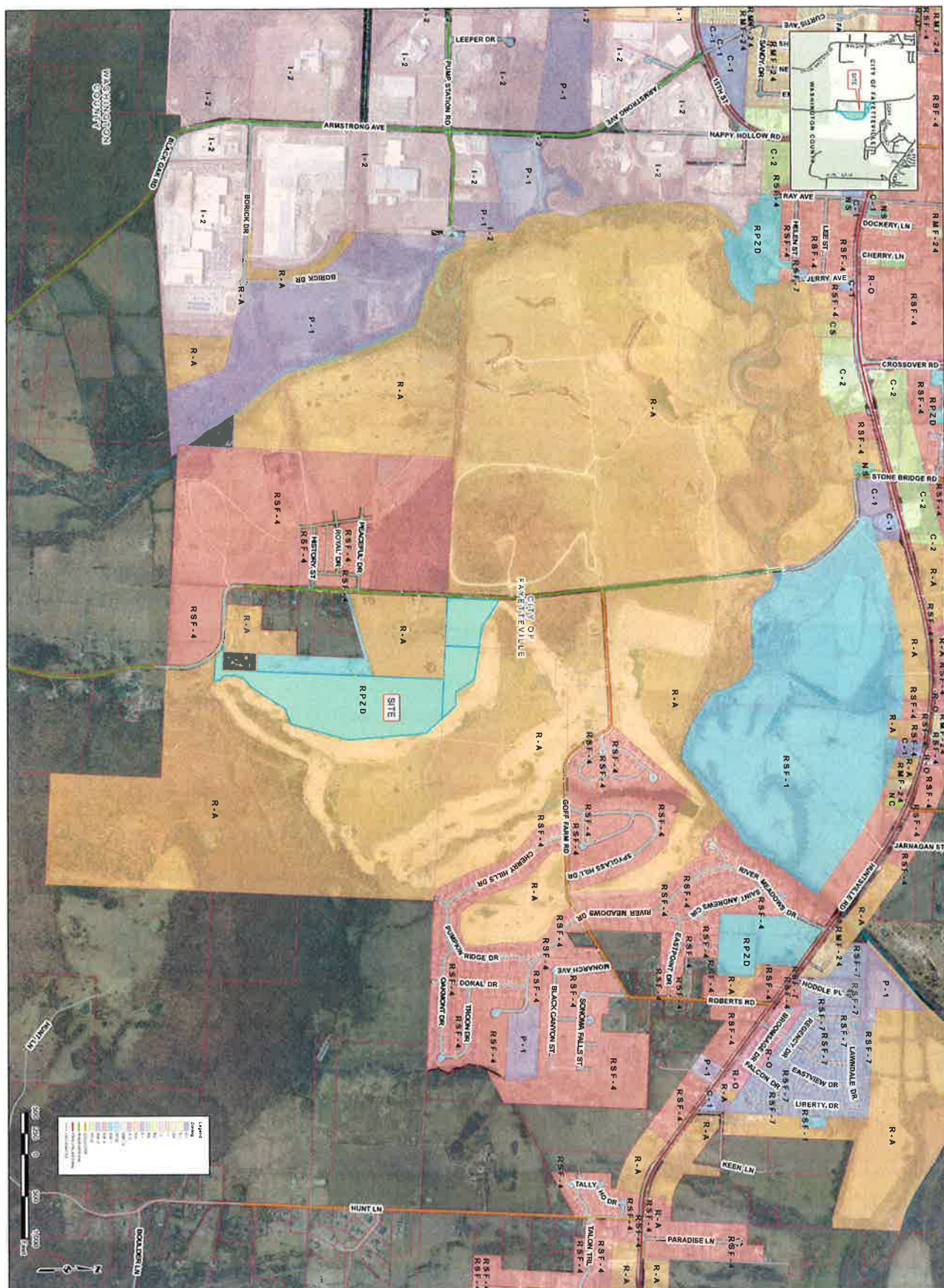
From: Justin Jorgensen [mailto:justin@jorgensenassoc.com]
Sent: Thursday, November 19, 2015 11:17 AM

-----Original Message-----

From: Scott Masterson [mailto:scott@jorgensenassoc.com]
Sent: Thursday, November 19, 2015 11:11 AM
To: 'Justin Jorgensen'
Subject: Emailing: STONEBRIDGE WEST_ZONING WITH FLOODPLAIN INFO

Any tax advice contained in this communication is not intended to be used, and cannot be used, to avoid tax penalties. This e-mail message and any attachment thereto is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the recipient or reader of this message is not the intended recipient, you are hereby notified that any dissemination , distribution or copying of this communication is strictly prohibited. If you have received this e-mail communication in error, please notify us immediately by sending a reply e-mail message to the sender. Thank you.

Hall Estill
75 North East Avenue
Suite 402



PROJECT TITLE:
STONERIDGE WEST

PROJECT LOCATION:
FAYETTEVILLE, AR

PROJECT DETAILS



JORGENSEN
+ ASSOCIATES

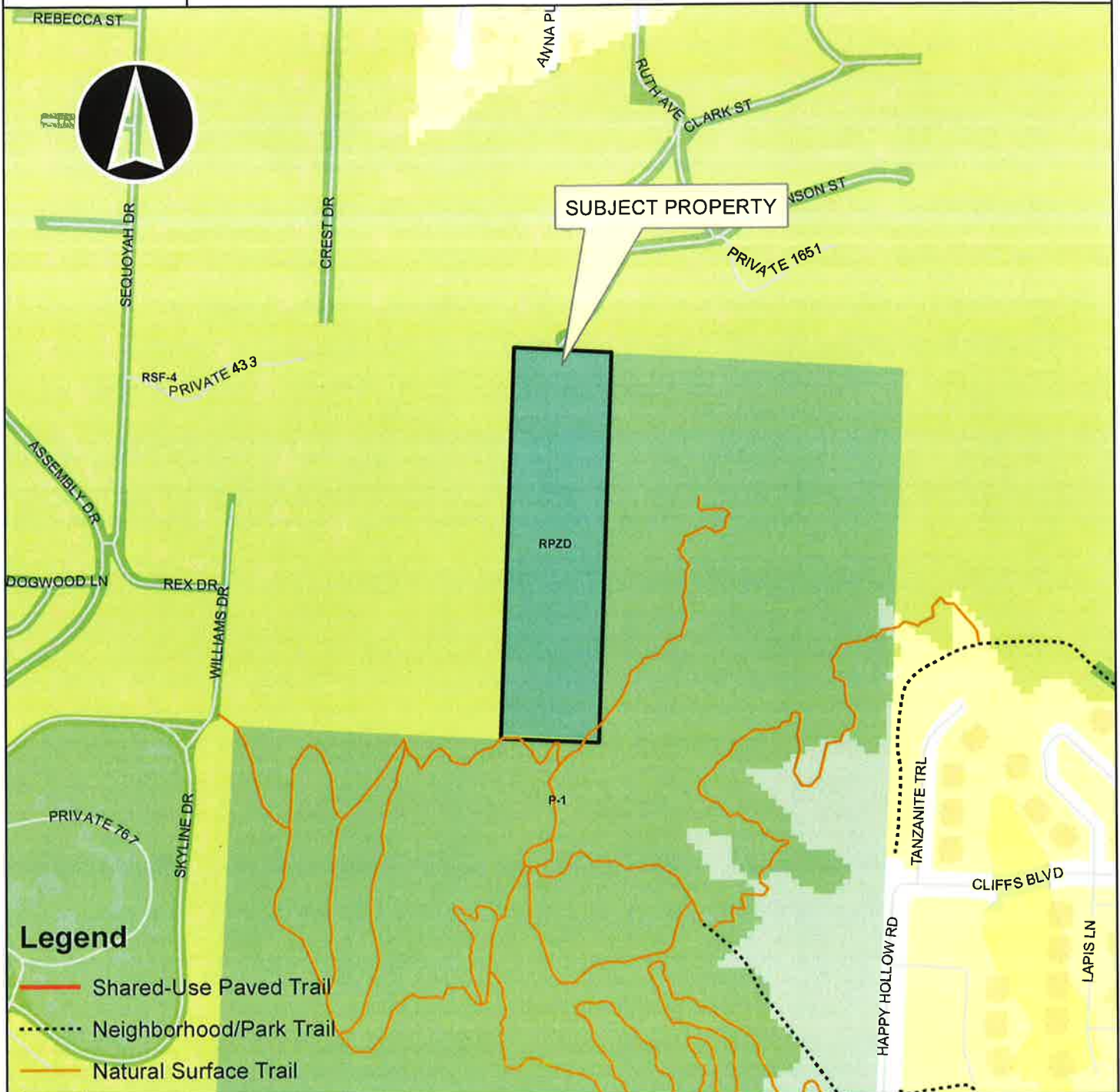
240 W. Sullivan Ave., Suite 100
Fayetteville, AR 72702
Phone: 479.423.4321
Fax: 479.355.4673

SHEET TITLE
ADJACENT ZONING
SHEET NUMBER

RPZD05-1798

DEPALMA ADDITION

Close Up View



Legend

- Shared-Use Paved Trail
- - - Neighborhood/Park Trail
- Natural Surface Trail

Overview

RPZD05-1798

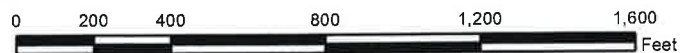
Fayetteville City Limits

Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

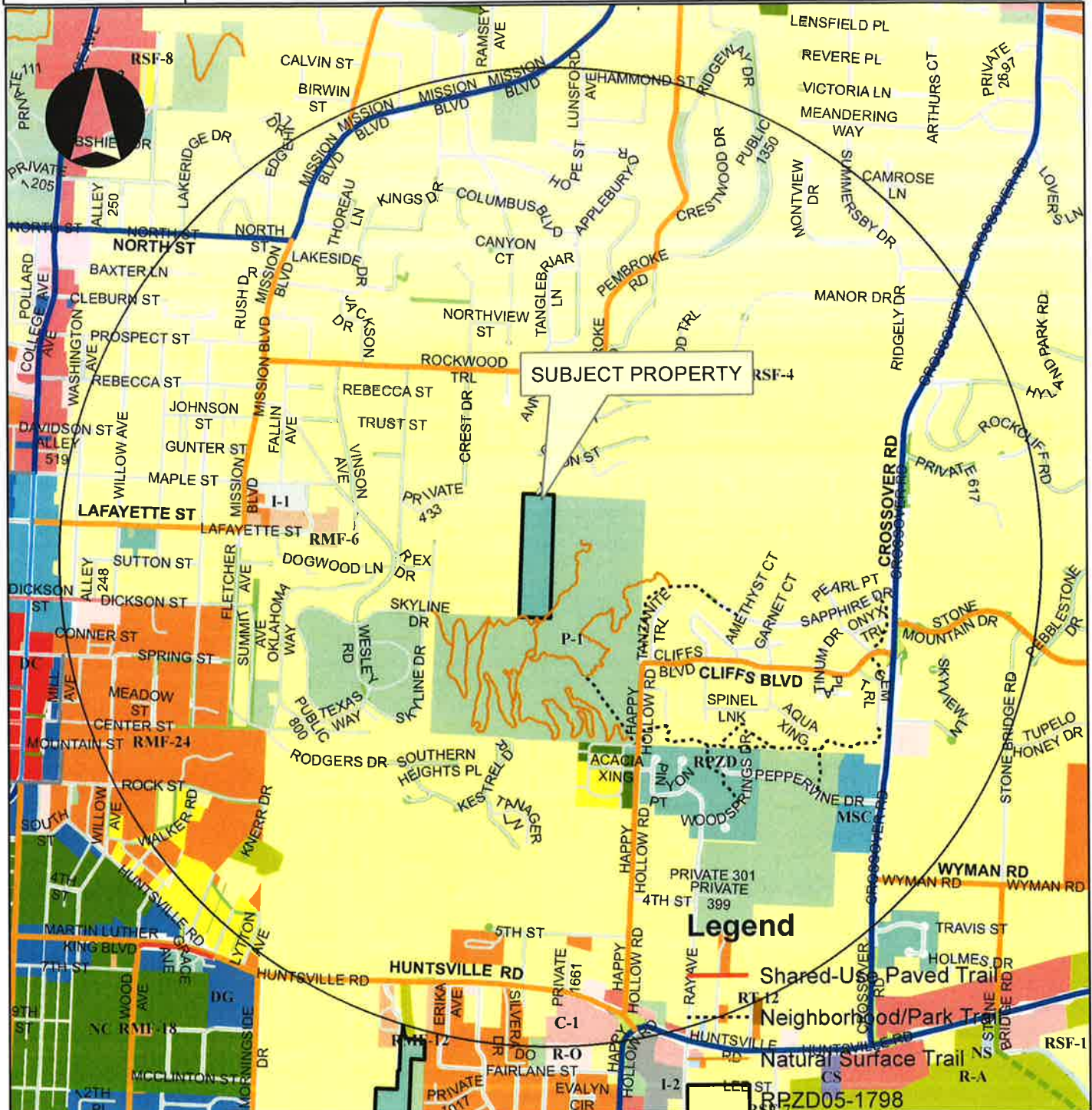
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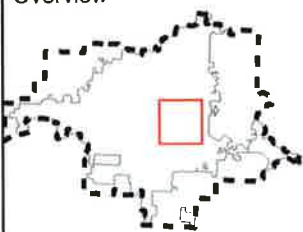
RPZD05-1798

DEPALMA ADDITION

One Mile View



Overview



Legend

- Shared-Use Paved Trail
- Neighborhood/Park Trail
- Natural Surface Trail
- RPZD05-1798

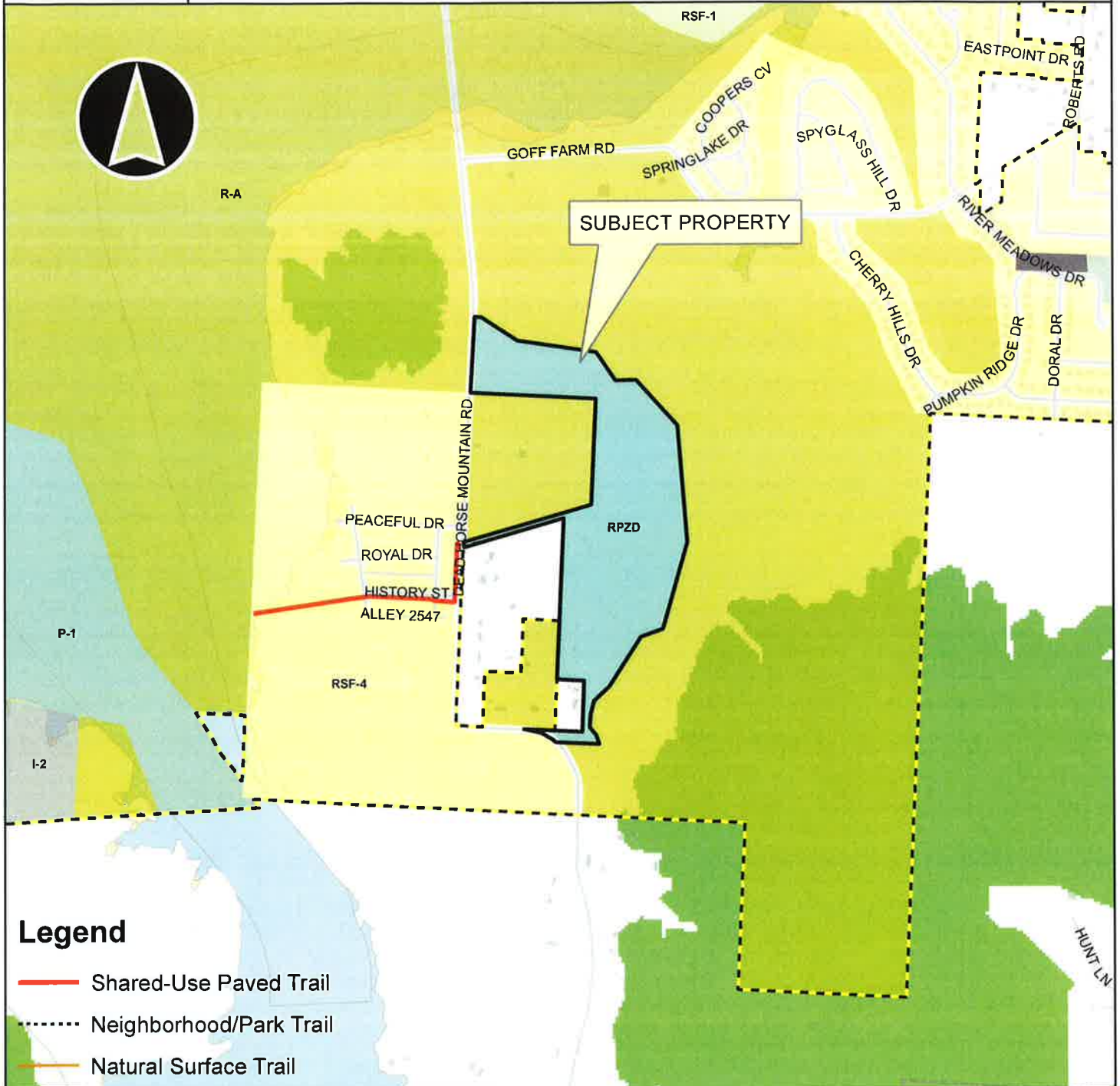
- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area
- Fayetteville



RPZD06-2170

VILLAS AT STONEBRIDGE

Close Up View



Legend

- Shared-Use Paved Trail
- - - Neighborhood/Park Trail
- Natural Surface Trail

Overview

RPZD06-2170

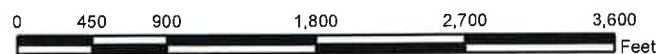
 Fayetteville City Limits

Footprints 2010

Hillside-Hilltop Overlay District

 Design Overlay District

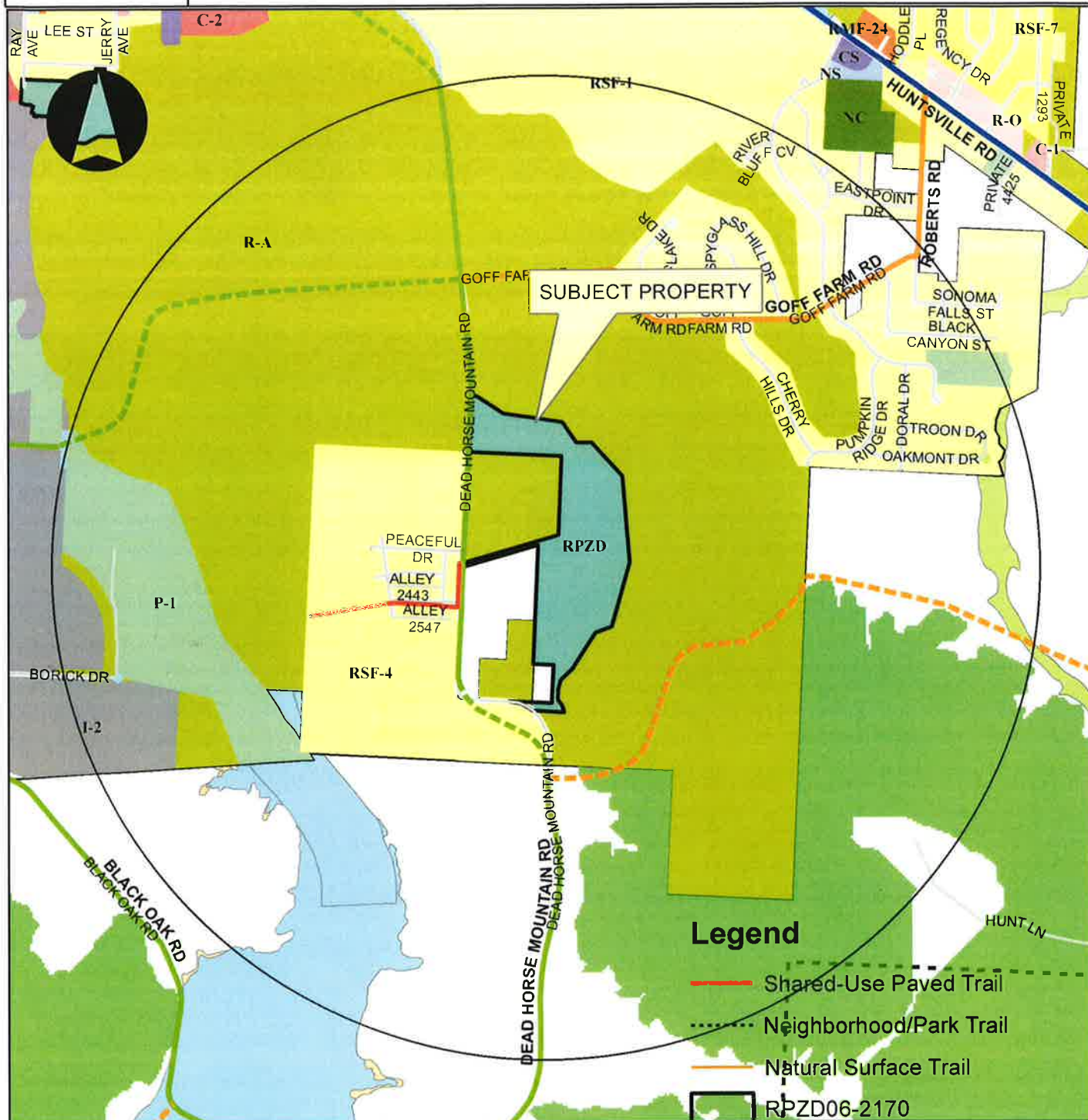
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RPZD06-2170

VILLAS AT STONEBRIDGE

One Mile View

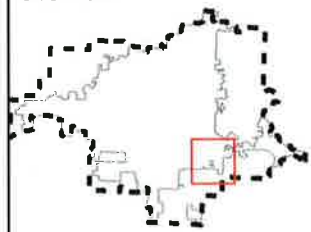


Legend

- Shared-Use Paved Trail
- - - Neighborhood/Park Trail
- Natural Surface Trail
- RPZD06-2170

- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area
- Fayetteville

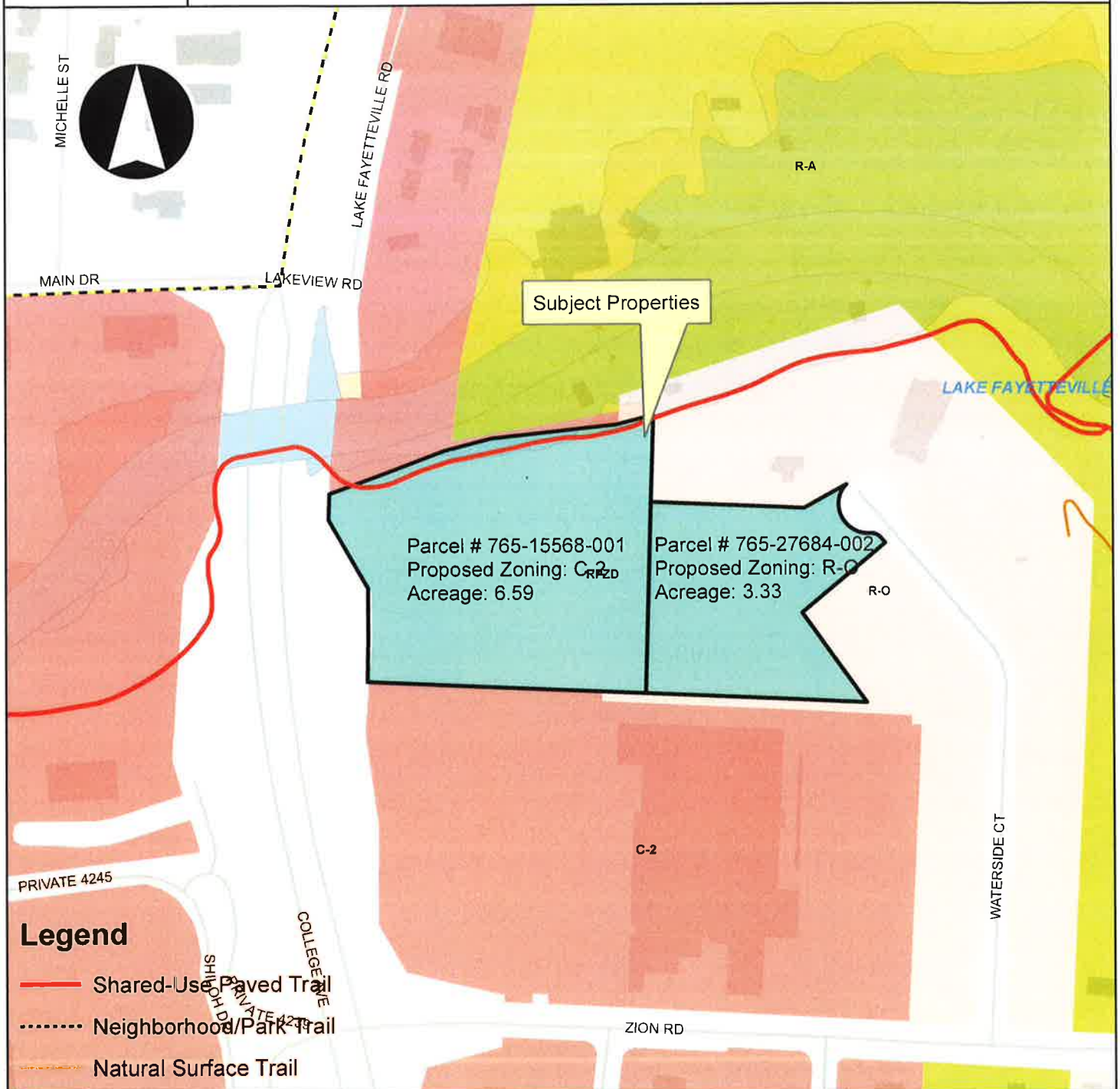
Overview



RPZD06-2191

UNIVERSITY CLUB CONDOS

Close Up View

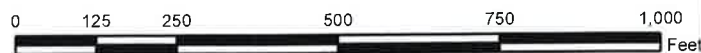


Legend

- Shared-Use Paved Trail
- Neighborhood/Park Trail
- Natural Surface Trail

Overview

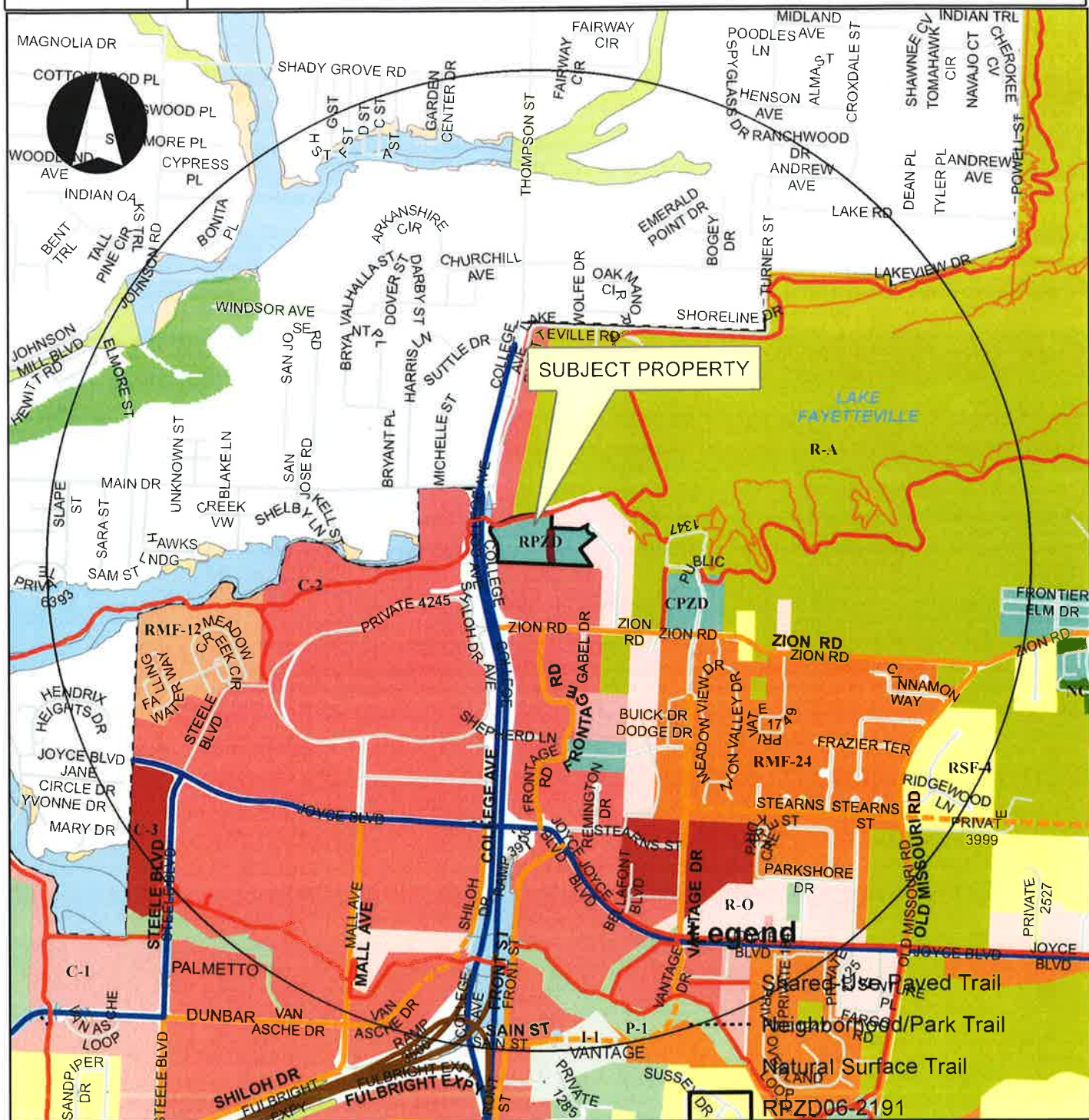
- RZN15-5194
- Fayetteville City Limits
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area



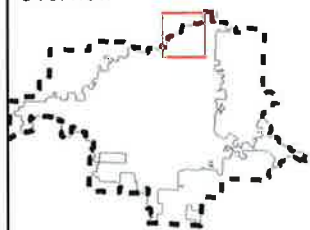
RPZD06-2191

UNIVERSITY CLUB CONDOS

One Mile View



Overview



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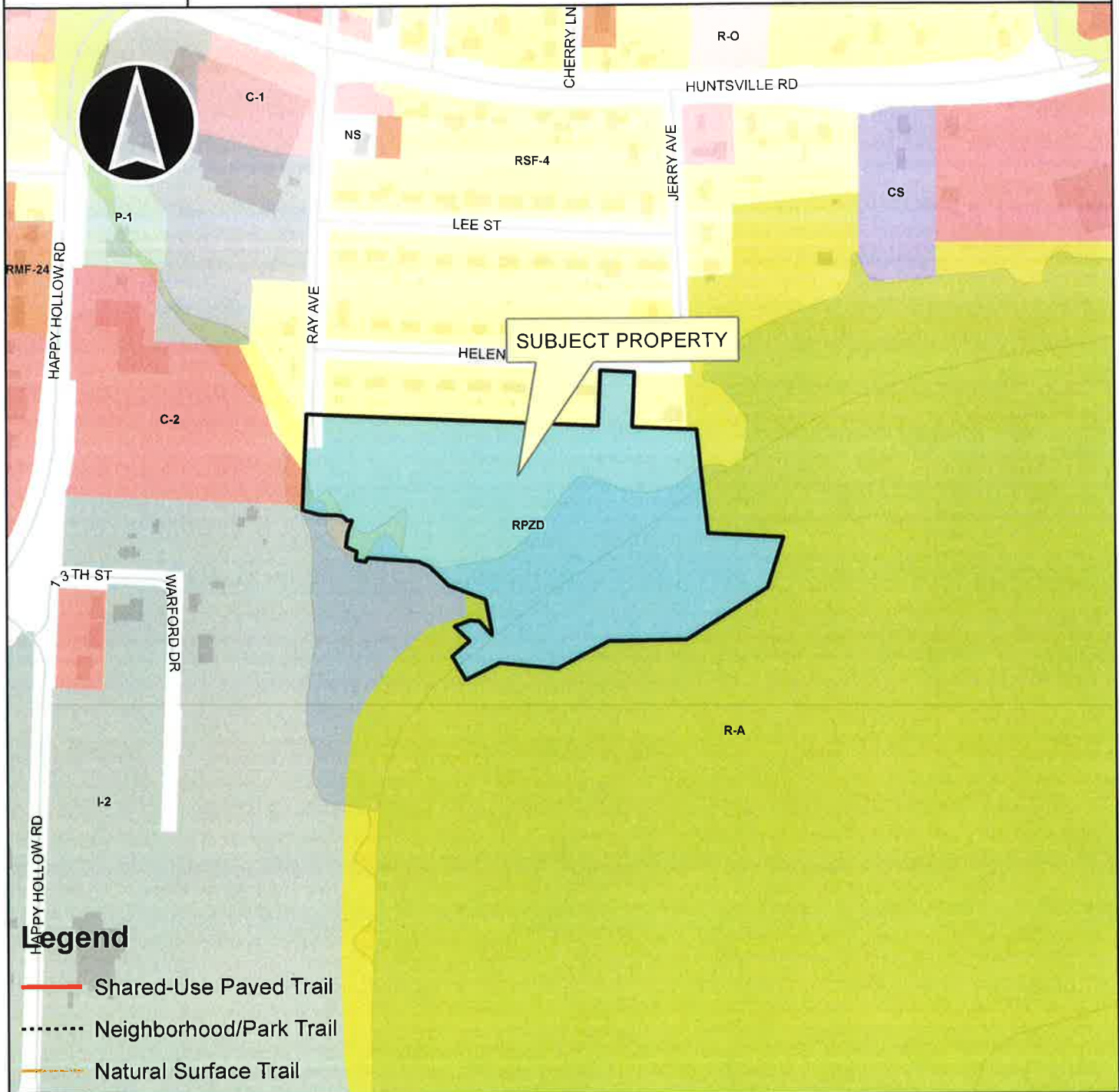
Miles

-  Hillside-Hilltop Overlay District
 Design Overlay District
 Planning Area
 Fayetteville

RPZD06-2196

WEST FORK PLACE

Close Up View



Legend

- Shared-Use Paved Trail
- - - - - Neighborhood/Park Trail
- Natural Surface Trail

Overview

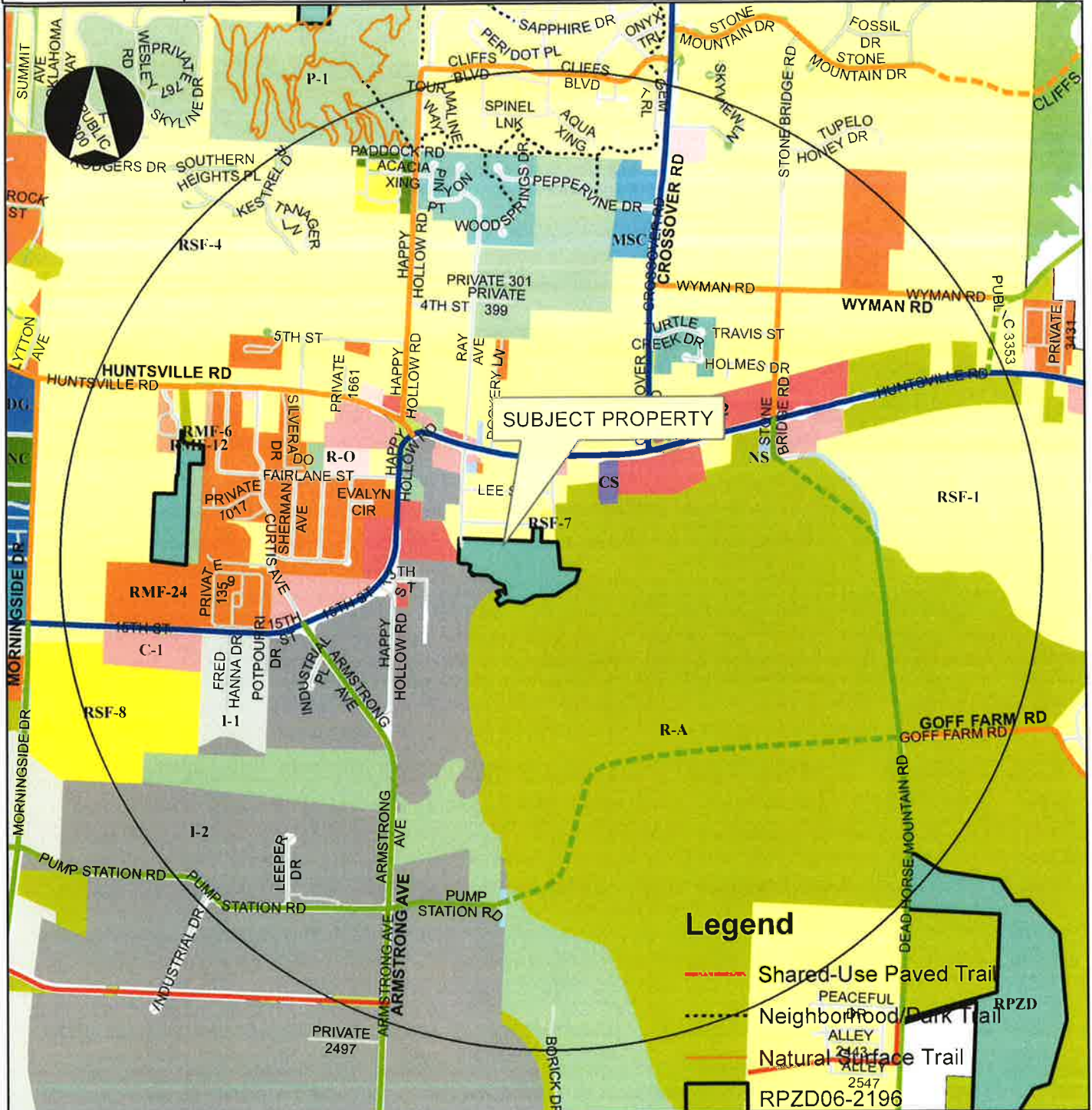
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- Fayetteville City Limits
- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area



RPZD06-2196

WEST FORK PLACE

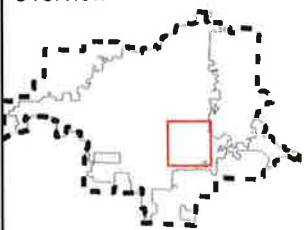
One Mile View



Legend

- Shared-Use Paved Trail
- Neighborhood/Dark Trail
- Natural Surface Trail
- RPZD06-2196
- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area
- Fayetteville

Overview

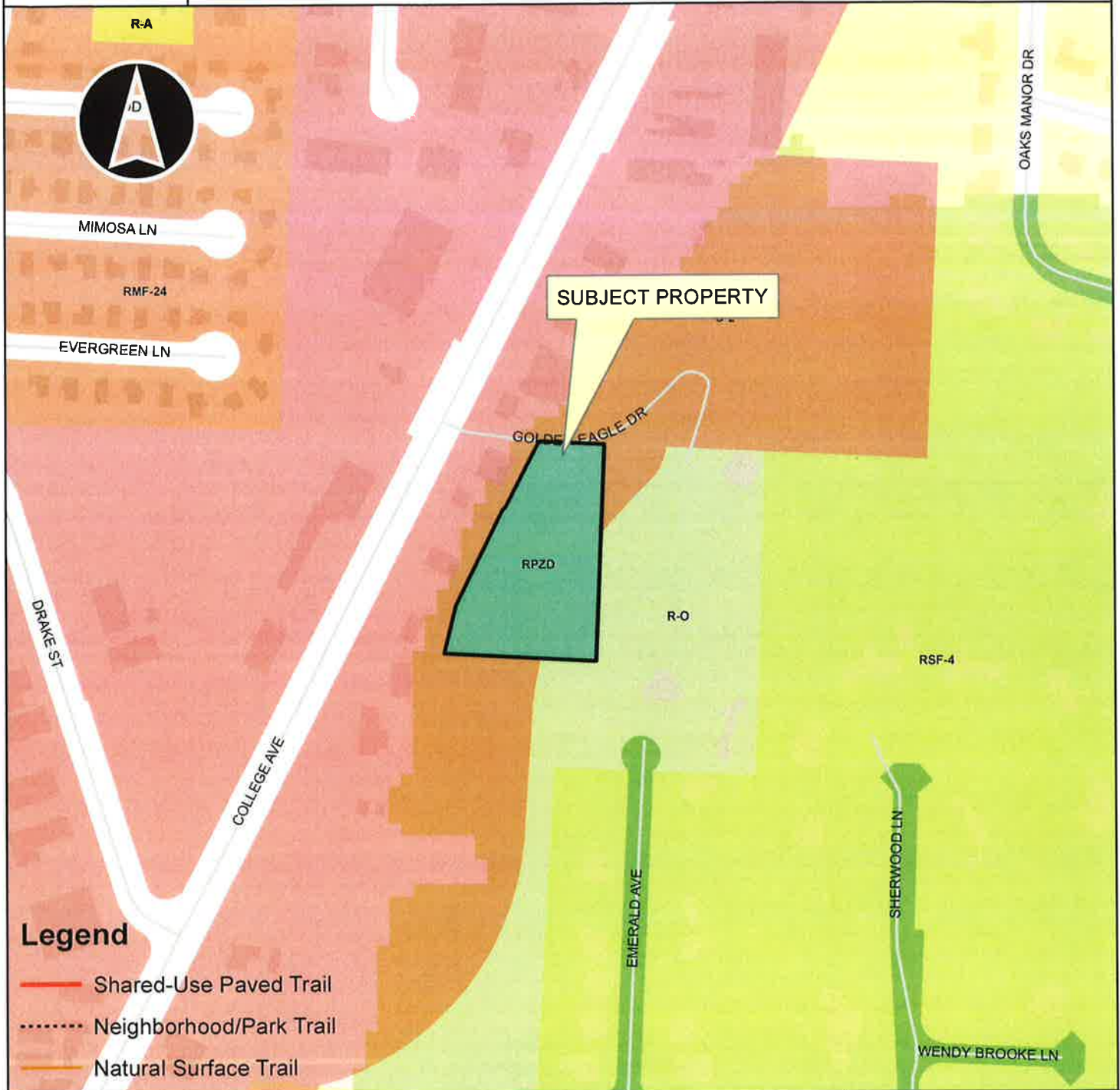


0 0.25 0.5 1 Miles

RPZD07-2649

COLLEGE AVE. TOWNHOMES

Close Up View

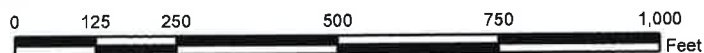


Legend

- Shared-Use Paved Trail
- ⋯ Neighborhood/Park Trail
- Natural Surface Trail

Overview RPZD07-2649

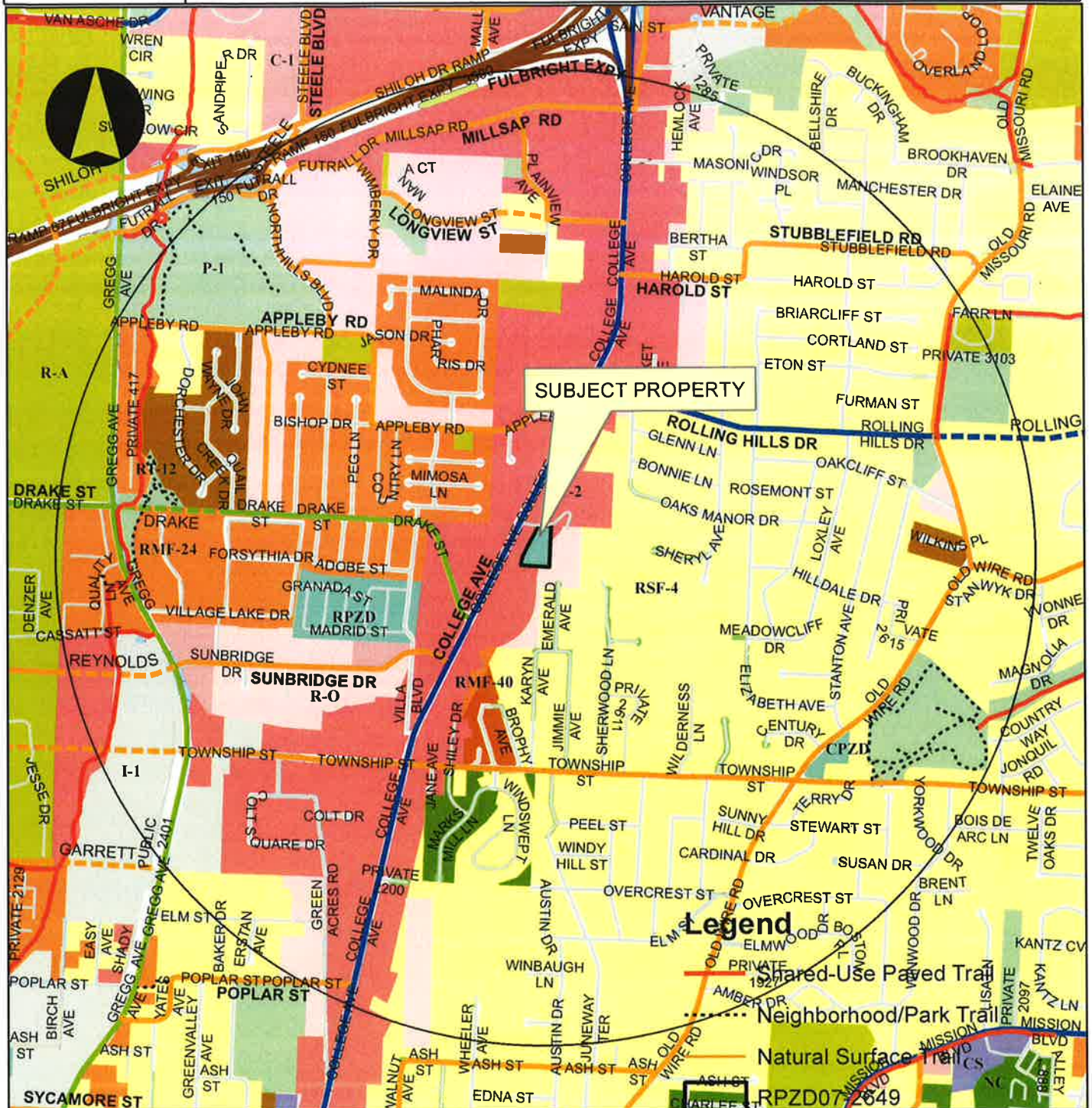
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- Design Overlay District
- Planning Area



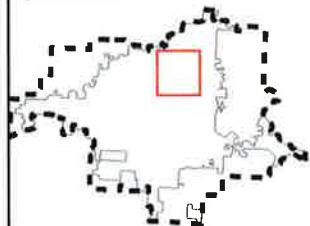
RPZD07-2649

COLLEGE AVE. TOWNHOMES

One Mile View



Overview

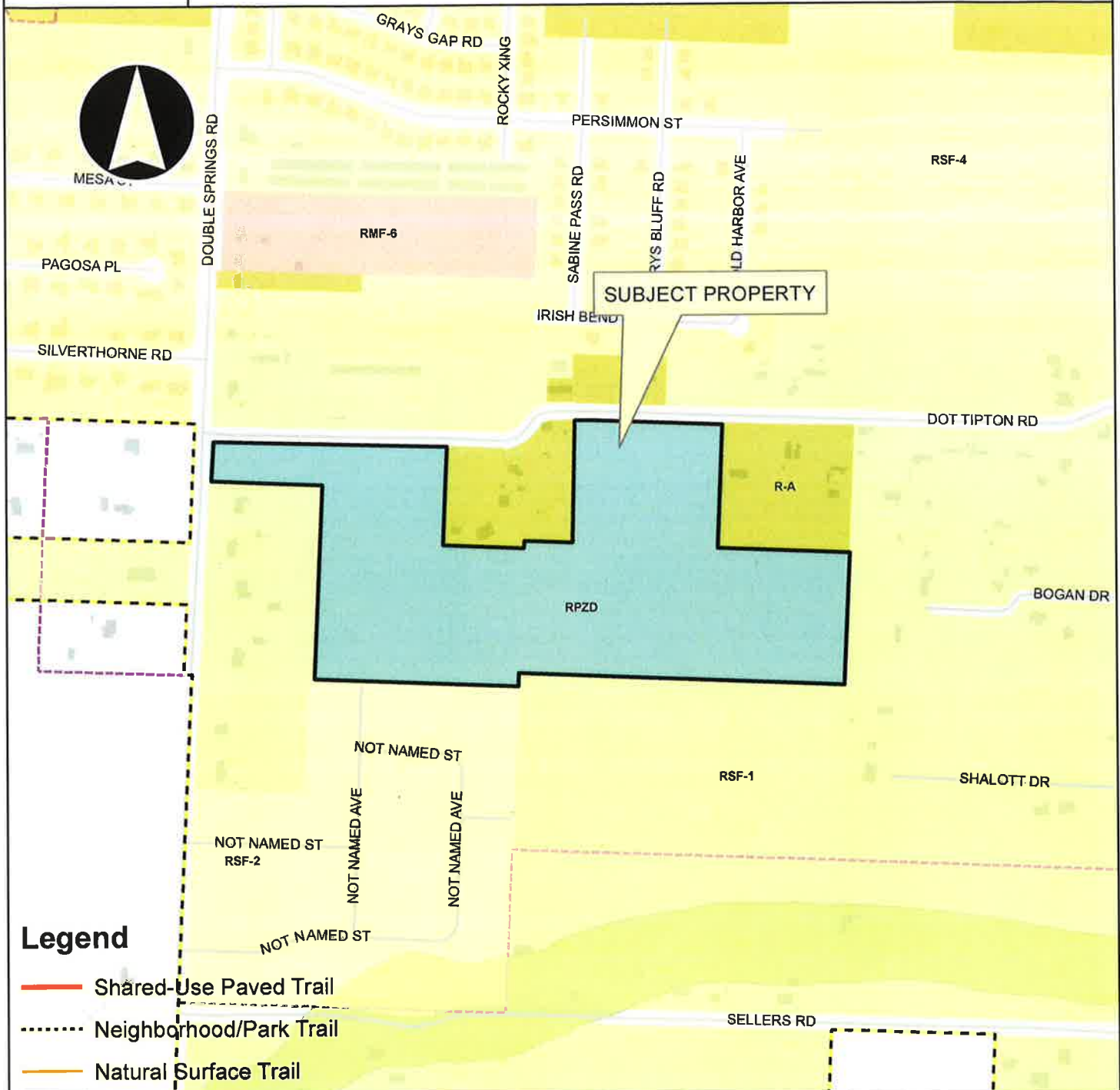


- Legend**
- Hillside-Hilltop Overlay District
 - Design Overlay District
 - Planning Area
 - Fayetteville
 - Shared-Use Paved Trail
 - Neighborhood/Park Trail
 - Natural Surface Trail

RPZD08-2965

AMBERWOOD PLACE

Close Up View



Legend

- Shared-Use Paved Trail
- - - Neighborhood/Park Trail
- Natural Surface Trail

Overview RPZD08-2965

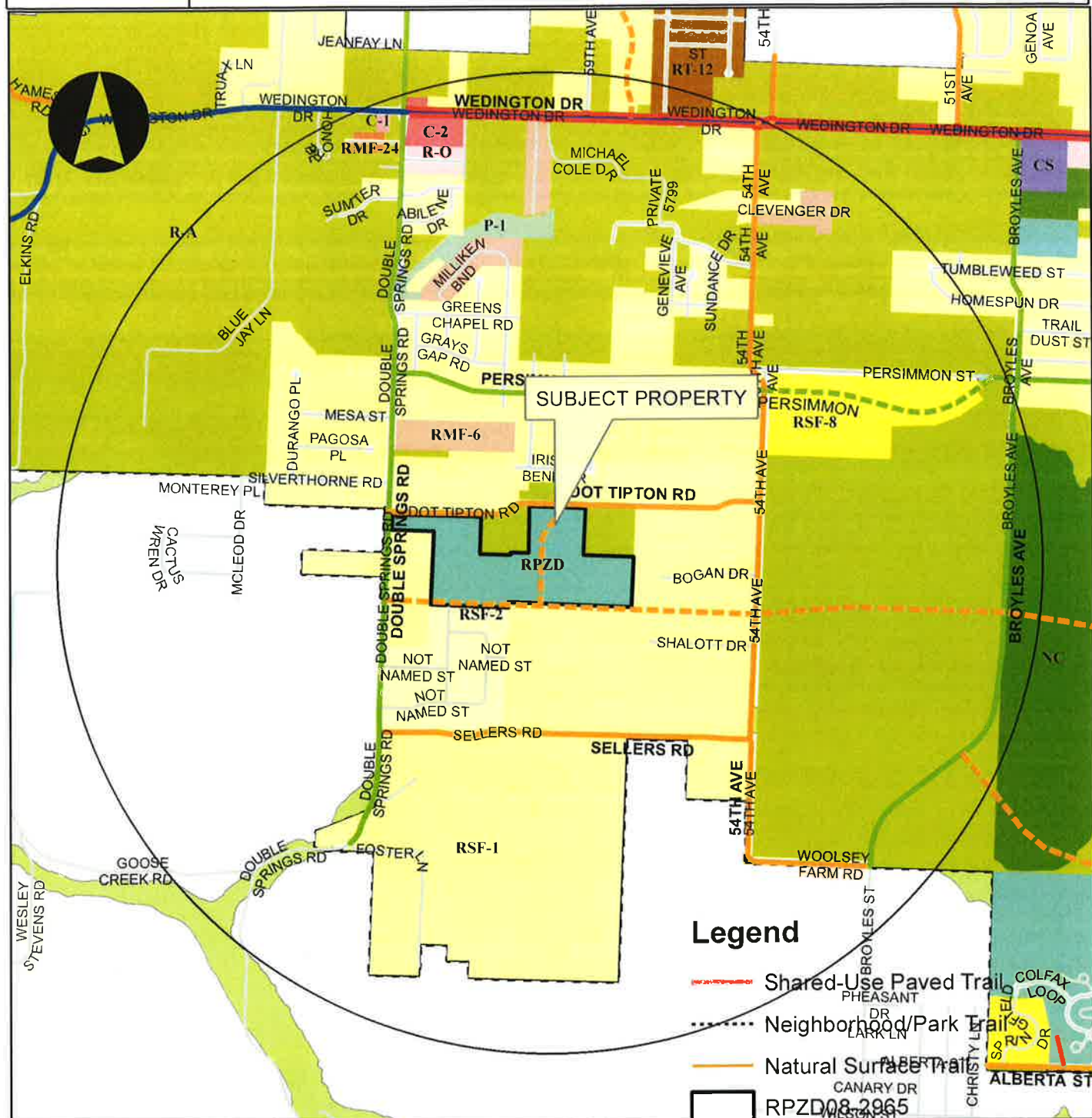
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- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- Planning Area

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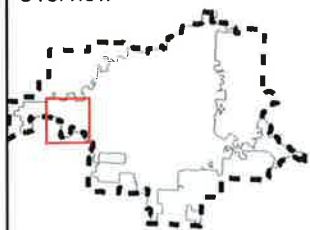
RPZD08-2965

AMBERWOOD PLACE

One Mile View



Overview



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Miles

Hillside-Hilltop Overlay District

Design Overlay District

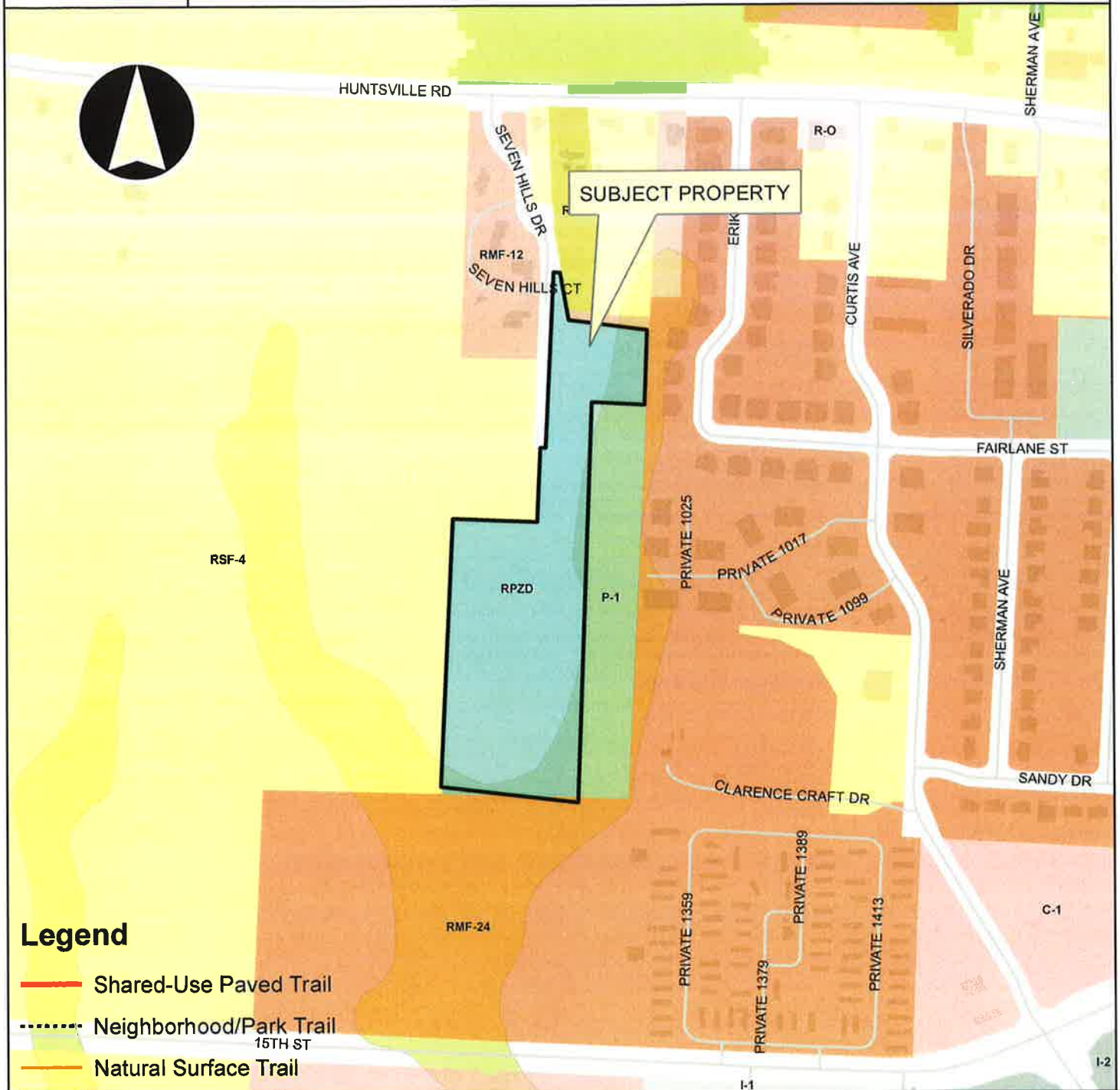
Planning Area

Fayetteville

RPZD08-3006

PORCHSCAPES

Close Up View

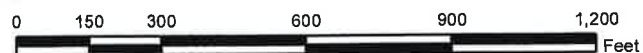


Legend

- Shared-Use Paved Trail
- - - Neighborhood/Park Trail
- Natural Surface Trail

Overview

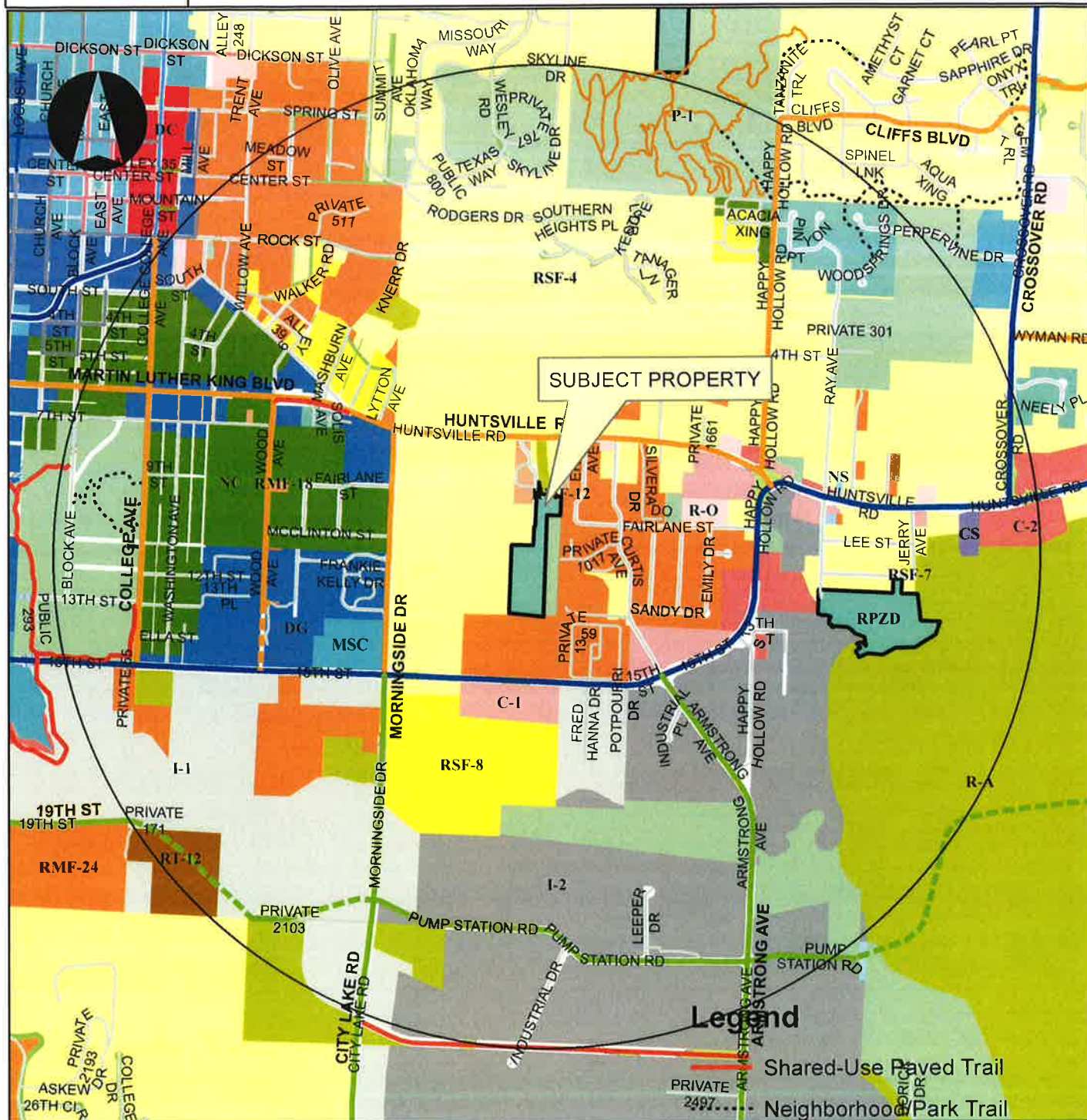
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- Footprints 2010
- Hillside-Hilltop Overlay District
- Design Overlay District
- - - Planning Area



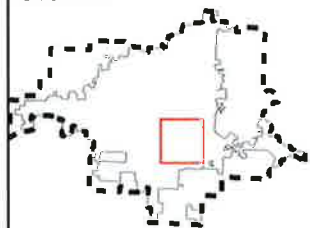
RPZD08-3006

PORCHSCAPES

One Mile View



Overview



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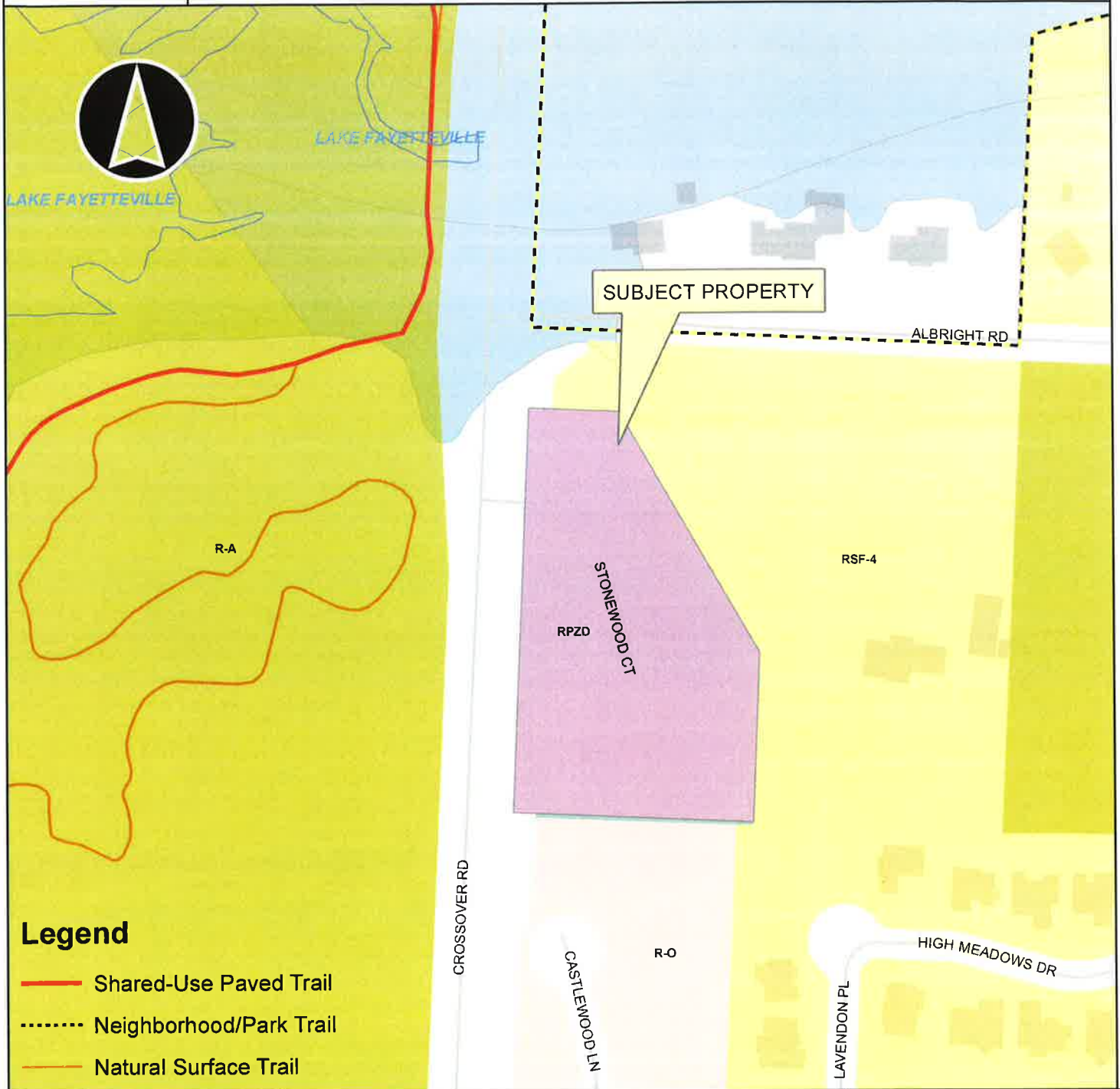
Miles

-  Natural Surface Trail
 RPZD08-3006
 Hillside-Hilltop Overlay District
 Fayetteville

RPZD08-3022

STONEWOOD GARDENS

Close Up View



Legend

- Shared-Use Paved Trail
- - - - - Neighborhood/Park Trail
- Natural Surface Trail

RPZD08-3022

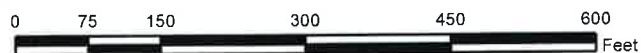
Fayetteville City Limits

Footprints 2010

Hillside-Hilltop Overlay District

Design Overlay District

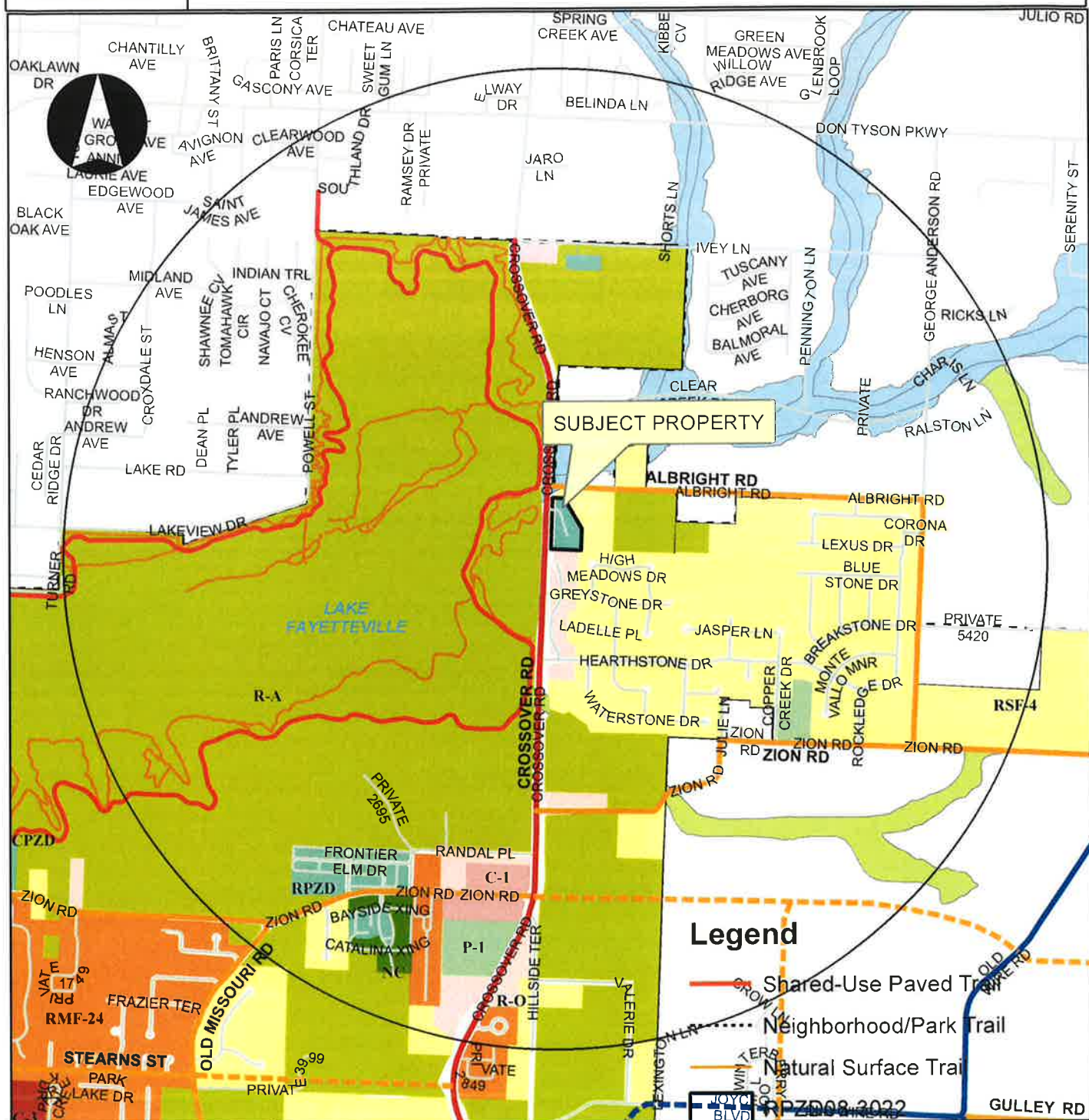
Planning Area



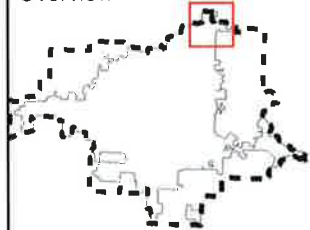
RPZD08-3022

STONEWOOD GARDENS

One Mile View



Overview

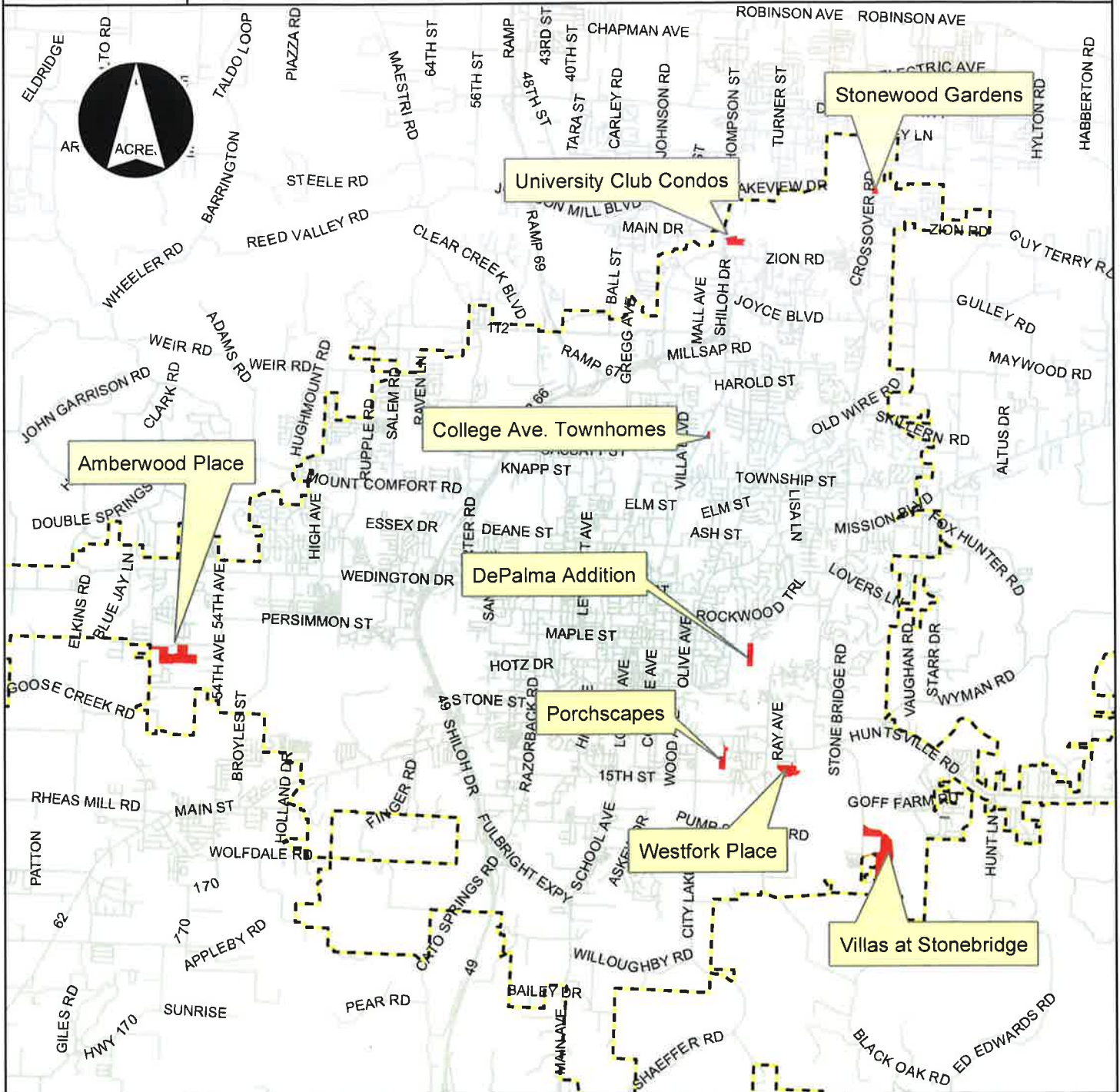


0 0.25 0.5 1 Miles

RZN15-5194

EXPIRED PZDs

Overall View



Overview

Legend

RZN15-5194

Fayetteville City Limits

0 3,000 6,000 12,000 18,000 24,000 Feet

BILL OF ASSURANCE FOR THE CITY OF FAYETTEVILLE, ARKANSAS

In order to attempt to obtain approval of a request for a zoning reclassification, the owner, developer, or buyer of Villas at Stonebridge, RPZD06-2170, 53.03 acres, (hereinafter "Petitioner") Mitchell Massey hereby voluntarily offers this Bill of Assurance and enters into this binding agreement and contract with the City of Fayetteville, Arkansas.

The Petitioner expressly grants to the City of Fayetteville the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County and agrees that if Petitioner or Petitioner's heirs, assigns, or successors violate any term of this Bill of Assurance, **substantial irreparable damage justifying injunctive relief** has been done to the citizens and City of Fayetteville, Arkansas. The Petitioner acknowledges that the Fayetteville Planning Commission and the Fayetteville City Council will **reasonable rely** upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Petitioner's rezoning request to RSF-4.

Petitioner hereby voluntarily offers assurances that Petitioner and Petitioner's property shall be restricted as follows IF Petitioner's rezoning is approved by the Fayetteville City Council:

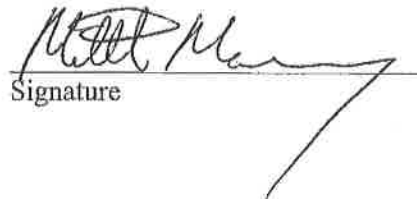
1. The Petitioner's property shall be limited to: 2.5 units per acre.
2. Petitioner specifically agrees that all such restrictions and terms shall **run with the land** and bind all future owners unless and until specifically released by Resolution of the Fayetteville City Council. This Bill of Assurance shall be filed for record in the Washington County Circuit Clerk's Office after Petitioner's rezoning is effective and shall be noted on any Final Plat or Large Scale Development which includes some or all of Petitioner's property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, Mitchell Massey, as the owner, developer or buyer (Petitioner) **voluntarily offer** all such assurances and sign my name below.

1-4-16
Date

Mitchell Massey
Printed Name

1478 E Mission Blvd
Address
Fayetteville, AR, 72701


Signature

NOTARY OATH

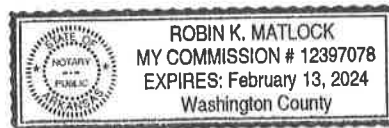
STATE OF ARKANSAS }
 }
COUNTY OF WASHINGTON } .ss
 }

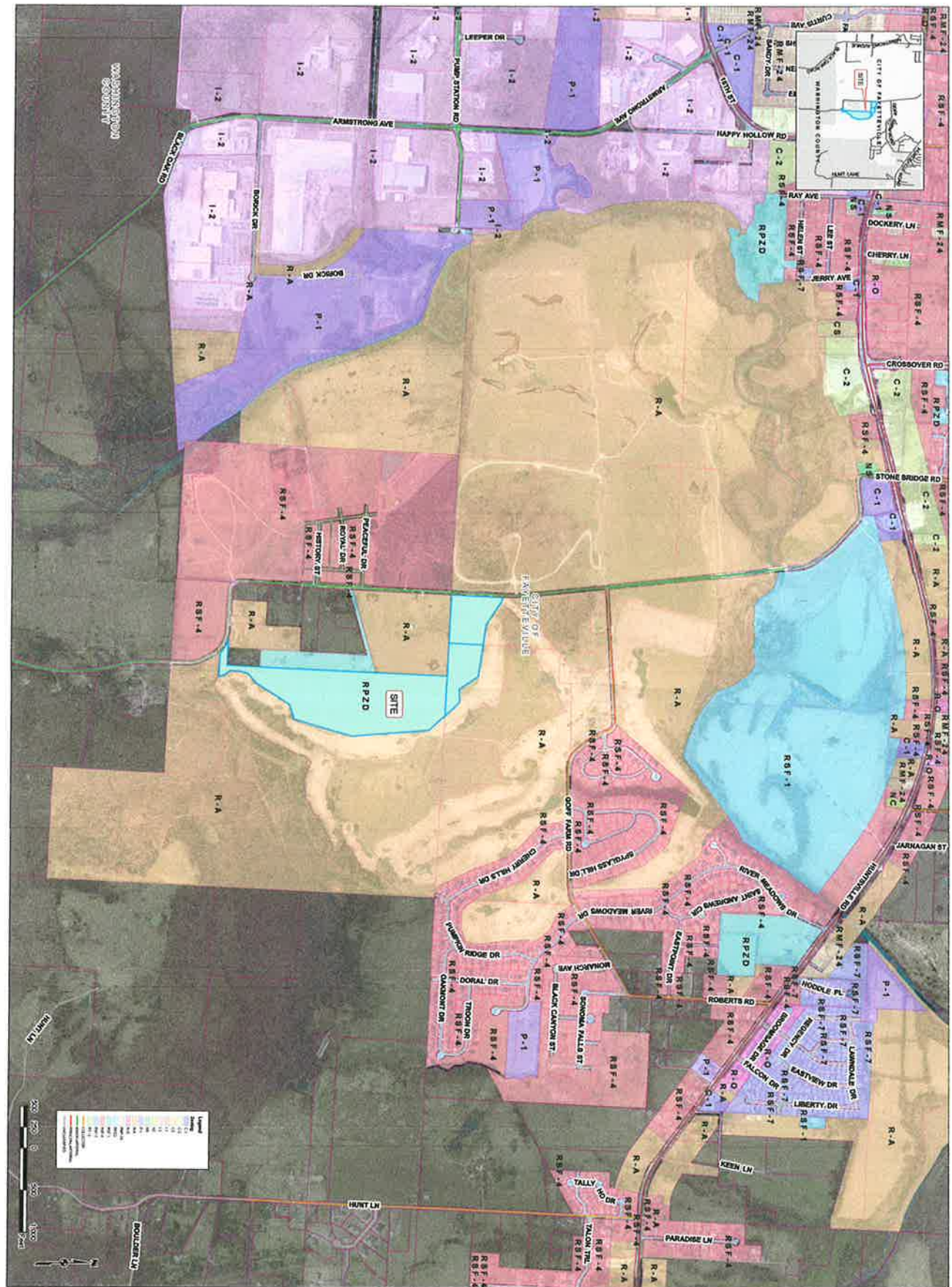
And now on this the 4th day of January, 2015, Mitchell Massey appeared before me, Robin K Matlock, a Notary Public, and after being placed upon his/her oath swore or affirmed that he/she agreed with the terms of the above Bill of Assurance and signed his/her name above.


NOTARY PUBLIC

My Commission Expires:

Feb. 13, 2024



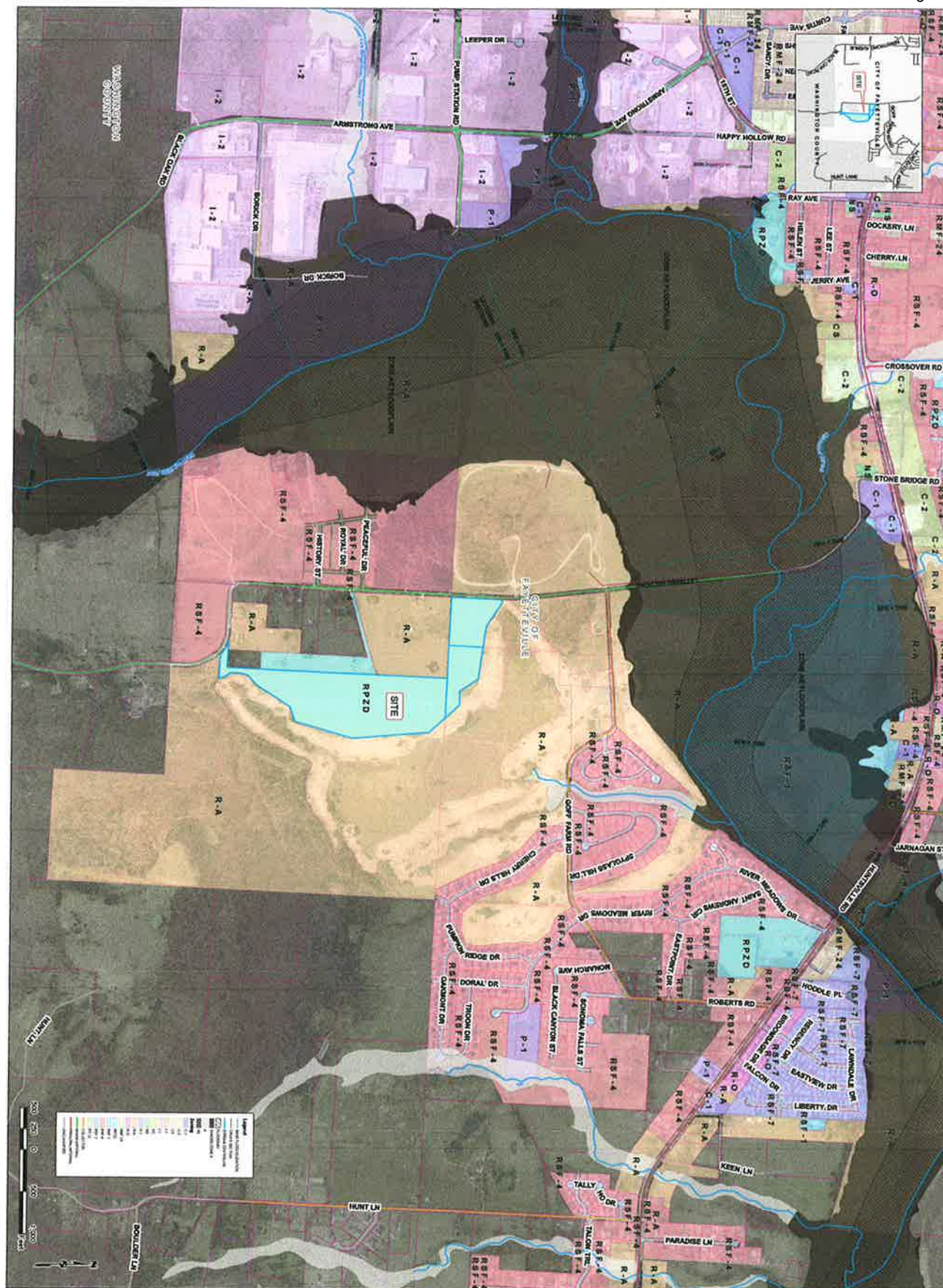


PROJECT TITLE:
STONEBRIDGE WEST

PROJECT LOCATION:
FAYETTEVILLE, AR

JORGENSEN
+ASSOCIATES
Civil Engineering • Surveying

214 W. Sunrise Drive, Suite 5
Fayetteville, AR 72703
Office: 479-442-3923
Fax: 479-562-4307
www.jorgensenassoc.com





City of Fayetteville, Arkansas

Tentative Agenda
January 12, 2016
Page 49 of 103
113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2015-0634

Agenda Date: 1/19/2016

Version: 1

Status: Tabled

In Control: City Council Meeting

File Type: Resolution

Agenda Number: B. 2

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

WHEREAS, the developers of PPL 15-5253 wish to develop their low density residential development which is outside the city limits without such a street connection and instead rely upon their to be constructed street stub out to the south toward undeveloped land which could lead to a connection of Fox Trail further south.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the appeal of the Fox Hills Subdivision developer to allow construction of the street intersecting Highway 45; and

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby modifies the conditions of PPL 15-5253 to remove the requirement to construct a street connecting to Fox Trail, but otherwise approves PPL 15-5253 with all other terms and conditions.



124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703
Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

RECEIVED

DEC 17 2015

**CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE**

December 16, 2015

City clerk
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Attn: Sondra Smith

Re: PPL 15-5253

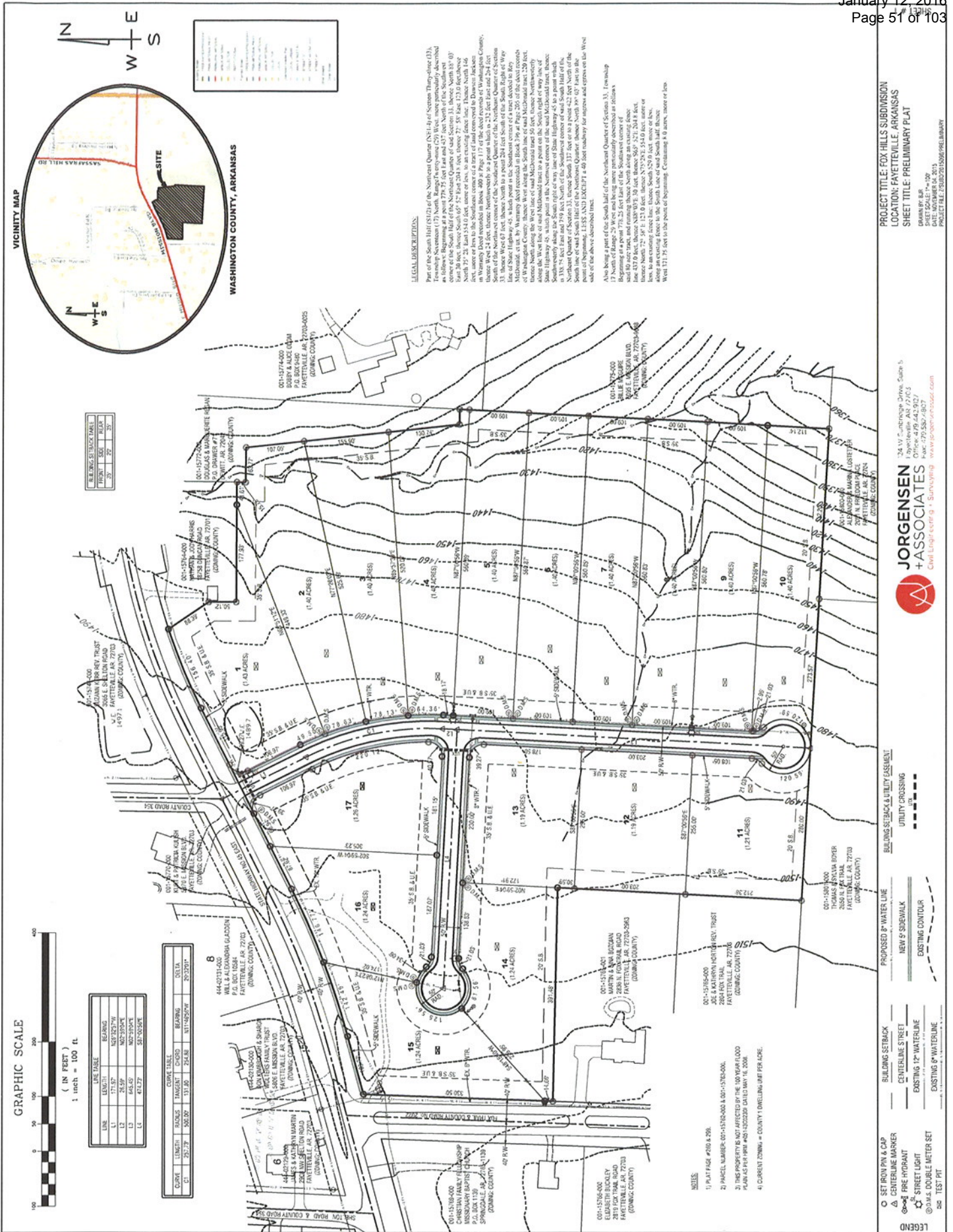
This letter is an appeal of the decision by the Planning Commission on December 14, 2015 to require a connection to Fox Trail Rd on the proposed Preliminary Plat. It is the developer's belief that connectivity is being provided to the south to a large developable tract of land that is adjacent to Fox Trail and the connection will happen at that time. Furthermore, this would be on an area of Fox Trail that does not have a median so this connection could then be a left out, right out and a left turn into the proposed subdivision from Fox Trail. The developer does not feel like the requested connection to Fox Trail meets the intent of connectivity due to the fact there is currently a large median in this area making the proposed connection a right out turn only. Also we have communication with a neighbor that opposes this connection and does not want a new road next to his house.

We thank you for your consideration of this proposal and please call with any questions,

Thank you.

Sincerely;

Justin L Jorgensen, P.E.



MEETING OF JANUARY 5, 2016

TO: Fayetteville City Council

FROM: Quin Thompson, Current Planner

THRU: Andrew Garner, City Planning Director

DATE: December 18, 2015

SUBJECT: **PPL 15-5253: Preliminary Plat (EAST OF HWY 45 & FOX TRAIL/FOX HILLS SUBDIVISION, 260): The applicant appeals condition of approval No. 2 required by the Planning Commission for PPL 15-5253.**

RECOMMENDATION:

On December 14, 2015 the Planning Commission approved Preliminary Plat 15-5253 (Fox Hills Subdivision) with conditions of approval. Condition of approval No. 2 requires that this new subdivision provide a street connection to Fox Trail. The applicant has appealed the Planning Commission decision to the City Council, requesting removal of condition of approval No. 2.

BACKGROUND:

This property is located at the southeast corner of Mission Boulevard and Fox Trail, and contains approximately 24.60 acres. The property is within the City of Fayetteville Planning Area. As the site is beyond one mile from the City limits it is not subject to all of the city's development regulations and is only reviewed for water service, general lot, block and street connectivity, and overall traffic and public safety.

On December 14, 2015 the Planning Commission approved Preliminary Plat 15-5253 (Fox Hills Subdivision) for a residential subdivision with 17 single family lots. The preliminary plat was approved with a condition of approval (No. 2) that states as follows:

Condition #2

Planning Commission determination of street connectivity. Staff recommends in favor of street connection to Fox Trail for the reasons discussed previously in this report, but not to the east given the steep topography that makes development of a standard lot and block layout unfeasible. A street stub-out is proposed for future connection to the south.

Proposal: The applicant has appealed the Planning Commission's requirement for condition of approval #2 in order to allow their subdivision to be developed without a connection to Fox Trail.

DISCUSSION:

Staff and the Planning Commission recommend that Condition of Approval No. 2 be upheld by the City Council primarily to improve overall traffic and public safety for this subdivision that has

somewhat limited visibility accessing Mission Boulevard from the new proposed intersection. A connection to Fox Trail would provide superior sight lines and a safer left turn onto Mission Boulevard. Secondly, adding the street connection would be consistent with the City's longstanding policy for openness and connectivity within and throughout neighborhoods.

Access and street connectivity: A connected street network is desirable from a city planning perspective for a host of reasons. A connected street network reduces traffic congestion by dispersing traffic and offering travel options for drivers. Parallel routes within connected networks provide different routes to destinations for convenience, variety, or to avoid congestion. These choices help all users of the transportation system by reducing travel delays associated with reliance on very few routes. Connected streets also encourage active transportation like walking and cycling, and have a measurable impact on community health.

The property has frontage along Mission Boulevard and Fox Trail. The applicant proposes one connection to Mission Boulevard and a street stub-out to the south that can be extended with future development. Staff and the Planning Commission recommend allowing the subdivision to not stub out a street to the east given the steep topography that makes development of a standard lot and block layout in that direction unfeasible. However, staff and the Planning Commission recommend that a connection be provided to Fox Trail to the west. The median on Fox Trail does not need to be removed for a full access entry, and an entire buildable lot would not be lost if the connection is required (see attached sketch). An access point to Fox Trail will prevent this neighborhood from being an isolated dead-end subdivision in the near term where all traffic is funneled to one outlet on an arterial road. Connectivity to Fox Trail would be a safety and convenience benefit for citizens by providing a safer left turn location onto high-speed Mission Boulevard where a majority of residents will be traveling during AM and PM peak hours. This street connection would provide greater emergency vehicle access, more efficient trash and recycling pick up, and would be a benefit to pedestrians and cyclists who would have safe access onto Fox Trail. Fox Trail is a small two-lane roadway that is approximately 1.5 miles long. A connection to this roadway would provide opportunities for pedestrians to enjoy this amenity for walking, riding, and exercise outside of their immediate neighborhood. If a connection is not provided pedestrians would have to take a circuitous route along high-speed Mission Boulevard before being able to access Fox Trail.

Traffic safety: This portion of Mission Boulevard has some slight horizontal and vertical curves and is posted with a 55 mph speed limit. Staff required the applicant to evaluate the sight lines of the new proposed intersection for traffic safety. Additionally, the City Engineering Division conducted their own independent sight line study of the proposed intersection. As indicated in the applicant's study and City Engineering Division analysis (both attached), the proposed intersection will meet the American Association of Highway and Transportation Officials (AASHTO), City, and County standards for stopping distance and intersection sight lines. However, a sight line easement will likely be required to be dedicated prior to final plat to allow the developer to clear vegetation to ensure the minimum sight lines are maintained. The primary reason for the recommended street connection to Fox Trail is because it has better sight lines than the new proposed street intersection. This would improve the overall safety. Review of traffic safety is one of the primary approval and denial criteria for a preliminary plat pursuant to UDC Section 166.02(C)(2). Further, as this subdivision is within the City of Fayetteville Planning Area, staff and the Planning Commission recommended this street connection consistent with the City's longstanding policies for openness and connectivity within and through neighborhoods in the City's jurisdiction.

On December 14, 2015 the Planning Commission approved PPL 15-5253 finding in favor of Condition of Approval No. 2 by a vote of 8-0-0.

MEETING OF JANUARY 19, 2016

TO: Mayor Jordan, Fayetteville City Council

FROM: Jeremy Pate, Development Services Director 

DATE: January 7, 2016

SUBJECT: **PPL 15-5253: Fox Hills Subdivision Appeal of Connectivity Condition of Approval**

RECOMMENDATION:

Based upon further research and discussion noted below, staff recommends that the City Council remove Condition of Approval No. 2 from the approval of PPL 15-5253, thereby removing the requirement for the western street to connect to Fox Trail, finding that current codes do not require this condition for subdivisions beyond one mile of the city limits.

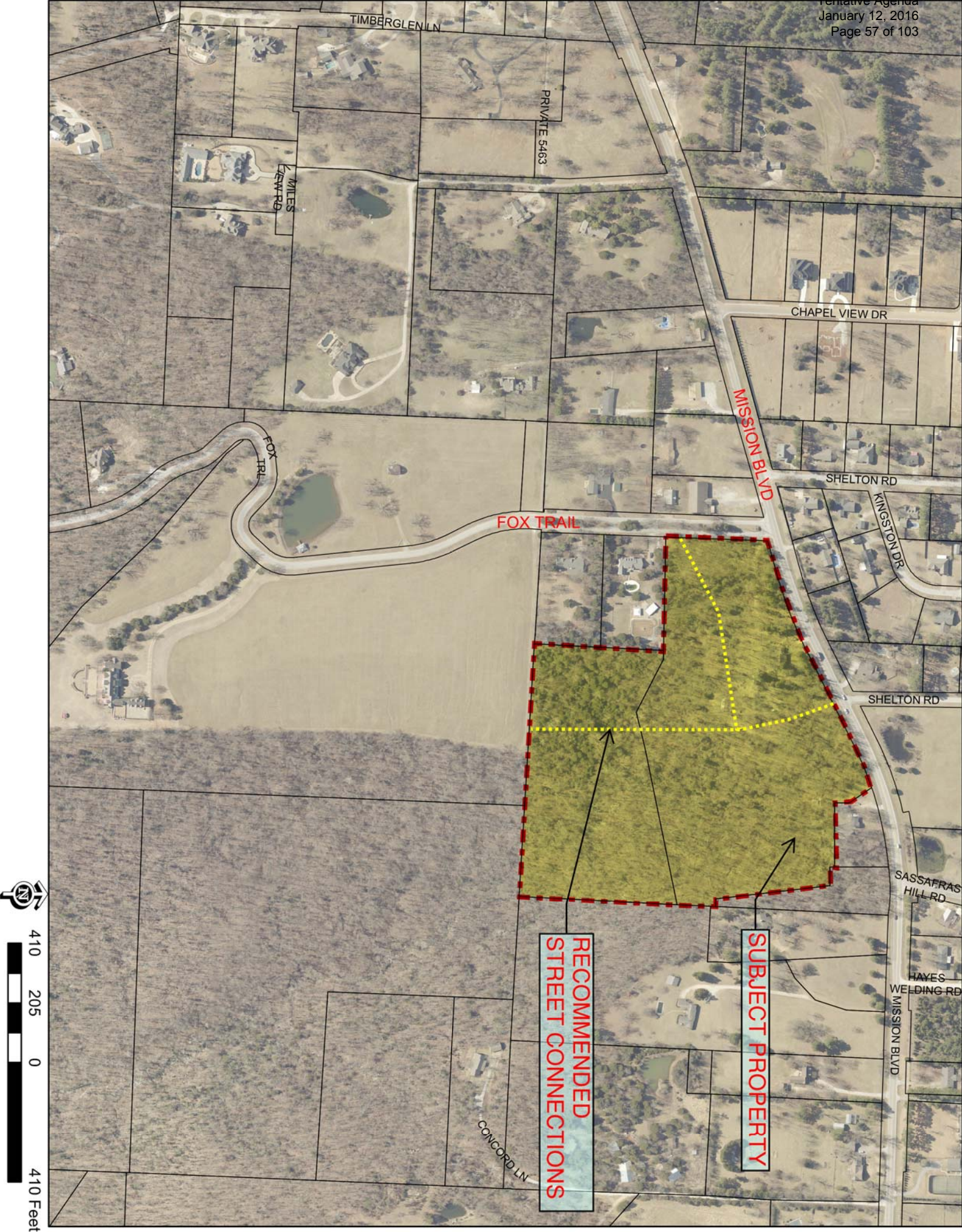
On December 14, 2015 the Planning Commission approved Preliminary Plat 15-5253 (Fox Hills Subdivision) with conditions of approval. Condition of approval No. 2 requires that this new subdivision provide a street connection to Fox Trail. The applicant has appealed the Planning Commission decision to the City Council, requesting removal of condition of approval No. 2.

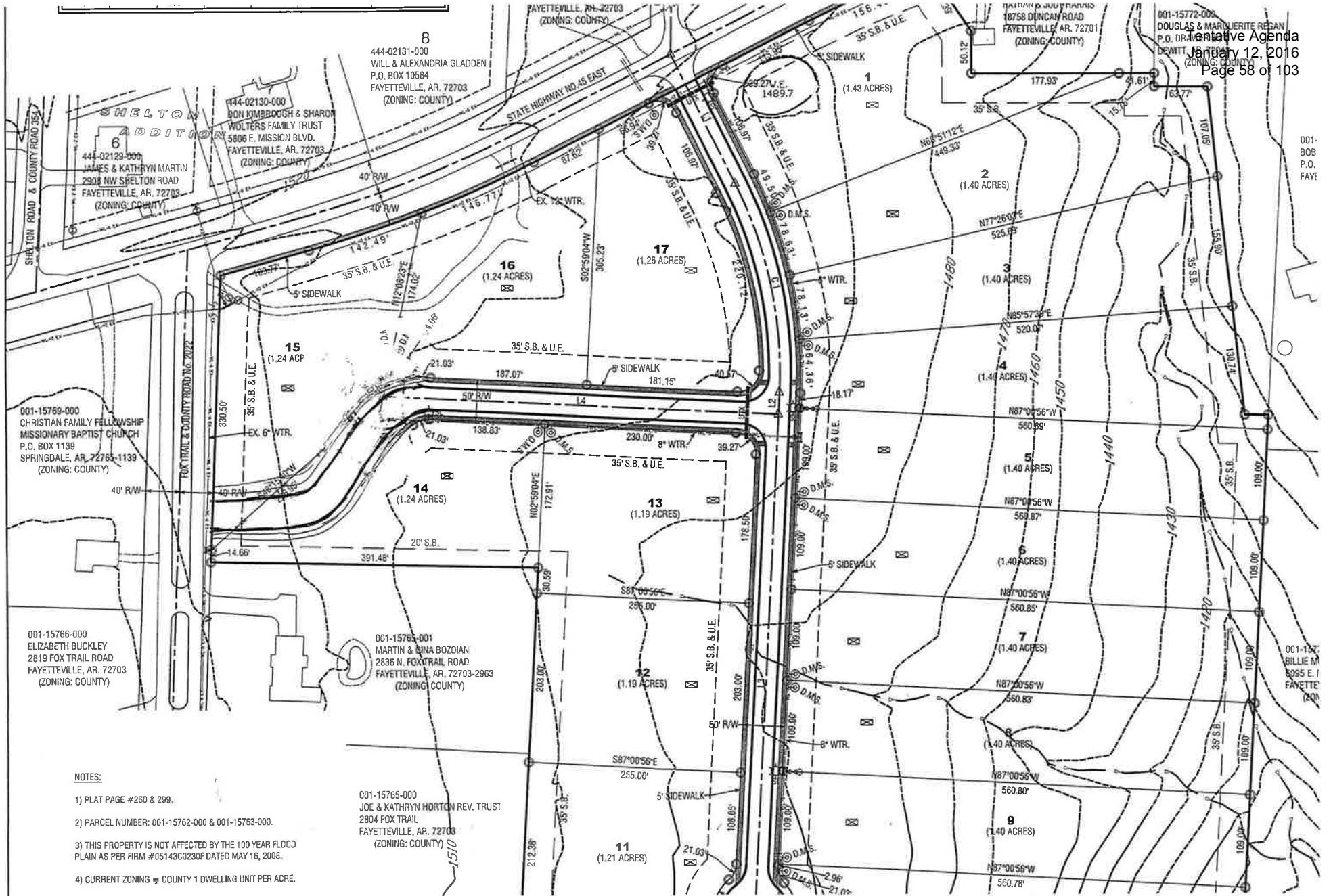
BACKGROUND:

As discussed in the staff memo for this item, this property is located within the City's Planning Area, the territorial jurisdiction that the City has adopted as a future growth area in which certain regulations may be applied according to state statute. Within the Planning Area the City does not exercise zoning; that is exclusively a County jurisdictional matter. We do, however, have the ability to exercise certain subdivision regulations once a Planning Area is adopted. In addition to this, state statutes give the County certain rights to exercise control over road regulations, including design specifications, road configuration and drainage if it affects County roads. Lastly, both the County and City have adopted regulations that differentiate the standards that apply within one mile of a municipality's boundary and outside of one mile. Our current code states that outside of one mile of the City's boundary, County subdivision regulations apply. This property lies approximately 1.5 miles beyond the City's boundary.

It appears clear that the City can exercise subdivision regulations within our adopted Planning Area. It is also noted that we have elected to differentiate which standards apply, based upon the distance from the city limits. In most cases, ordinances requiring connectivity of streets for safety and convenience purposes would apply, even within the Planning Area. The City could also deny the subdivision plat if a traffic safety issue was created or compounded by the development, which is one of the criteria for denial adopted in our Unified Development Code. However, due to the distance from the city's boundary and the fact that the City and applicant engineers have studied sight distances and found they meet the minimum requirements with some clearing of vegetation,

staff recommends the appeal as filed be granted. Washington County will review and apply their subdivision standards to the project with any conditions of approval, once the approval is final.





SKETCH OF POSSIBLE STREET ALIGNMENT



PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Andrew, Garner, City Planning Director

FROM: Quin Thompson, Current Planner
Corey Granderson, Staff Engineer

MEETING: ~~December 14, 2015~~ **UPDATED 12-18-2015**

SUBJECT: **PPL 15-5253: Preliminary Plat (EAST OF HWY 45 & FOX TRAIL/FOX HILLS SUBDIVISION, 260):** Submitted by JORGENSEN & ASSOCIATES, INC. for property located EAST OF THE INTERSECTION OF HWY. 45 & FOX TRAIL. The property is in THE FAYETTEVILLE PLANNING AREA and contains approximately 24.60 acres. The request is for a 17 lot single-family subdivision.

RECOMMENDATION:

Staff recommends forwarding **PPL 15-5253** with conditions of approval.

BACKGROUND:

This property is located at the southeast corner of Mission Boulevard and Fox Trail, and contains approximately 24.6 acres. The property is within the City of Fayetteville Planning Area. As the site is beyond one mile from the City limits it is not subject to all of the city's development regulations and is only reviewed for water service, general lot, block and street connectivity, and overall traffic and public safety. The surrounding zoning and land uses are depicted in *Table 1*.

Table 1 - Surrounding Zoning and Land Use

Direction from Site	Land Use	Zoning
North	Single family residential/undeveloped	Washington County Agriculture/Single-family Residential 1 unit per acre
South	Single family residential/undeveloped	Washington County Agriculture/Single-family Residential 1 unit per acre
East	Single family residential/undeveloped	Washington County Agriculture/Single-family Residential 1 unit per acre
West	Single family residential	Washington County Agriculture/Single-family Residential 1 unit per acre

Proposal: The applicant proposes a residential subdivision containing 17 single family lots.

Water and Sewer System: Water mains will be extended to serve the development. Septic systems will serve individual lots.

Adjacent Master Street Plan Streets: Mission Boulevard (AR HWY 45), a Master Street Plan designated Principal Arterial, and Fox Trail, a Local Street, are adjacent to this property.

Right-of-way to be dedicated: Right-of-way in the amount of 43.5 feet from centerline of Mission Boulevard to be dedicated, and 50 feet of right-of-way (ROW) for the new streets in this subdivision.

Access and street connectivity: The property has frontage along Mission Boulevard and Fox Trail. The applicant proposes one connection to Mission Boulevard and a street stub-out to the south. Staff recommends allowing the subdivision to not stub out a street to the east given the steep topography that makes development of a standard lot and block layout in that direction unfeasible. However staff recommends that connection be provided to Fox Trail to the west. The median on Fox Trail does not need to be removed for a full access entry, and an entire lot would not necessarily be lost if connection is required (see attached sketch). An access point to Fox Trail will prevent this neighborhood from being an isolated dead-end subdivision in the near term where all traffic is funneled to one outlet on an arterial road. Connectivity to Fox Trail would be a safety and convenience benefit for citizens by providing a safer left turn location onto high-speed Mission Boulevard where a majority of residents will be traveling during AM peak hours. This street connection would provide greater emergency vehicle access and reduced response times, more efficient trash and recycling pick up, and would be a benefit to pedestrians and cyclists who would have safe access onto Fox Trail. Fox Trail is a small two-lane roadway that is approximately 1.5 miles long. A connection to this roadway would provide opportunities for pedestrians to enjoy this amenity for walking, riding, and exercise outside of their immediate neighborhood. If a connection is not provided pedestrians would have to take a circuitous route along high-speed Mission Boulevard before being able to access Fox Trail.

Traffic safety: This portion of Mission Boulevard has some slight horizontal and vertical curves and is posted with a 55 mph speed limit. Staff required the applicant to evaluate the site lines of the new proposed intersection for traffic safety. Additionally, City Engineering Division conducted their own independent site line study of the proposed intersection. As indicated in the applicant's study and City Engineering Division analysis (both attached), the proposed intersection will meet the American Association of Highway and Transportation Officials (AASHTO), City, and County standards for stopping distance and intersection site lines. While any turning movement onto and off of a high speed rural highway can be dangerous, City staff does feel the proposed intersection on Mission Boulevard meets minimum standards for safety.

Public Comment: Staff has been in communication with Washington County Planning staff specifically discussing their concerns with the safety of the subdivision's new intersection on Mission Boulevard (email attached). At the Subdivision Committee meeting some surrounding neighbors spoke discussing traffic in the area, but they were not opposed to this development.

RECOMMENDATION: Staff recommends approval of PPL 15-5253 with the following conditions.

Conditions of Approval:

1. Planning Commission determination of street improvements. *Staff recommends the following street improvements:*
 - a. *Planning Commission determination of the safety of the proposed street intersection at Mission Boulevard. Staff finds the proposed intersection will not create or compound a dangerous traffic condition.*

- b. *The applicant shall pay an assessment in the amount of \$12,800 prior to final plat for the removal of the temporary cul-de-sac, re-vegetation of the area, and construction of new sidewalk and curb.*
2. Planning Commission determination of street connectivity. *Staff recommends in favor of street connection to Fox Trail for the reasons discussed previously in this report, but not to the east given the steep topography that makes development of a standard lot and block layout unfeasible. A street stub-out is proposed for future connection to the south.*
3. As requested by the Washington County Planning Division, the cul-de-sac shall be pulled back slightly from the property line to allow room for maintenance purposes for county road crews. Show this revision on the plans submitted for Planning Commission.
4. A copy of septic permits for all lots less than 1.5 acres shall be provided prior to final plat.
5. Preliminary plat approval is valid for one year. All permits to complete construction for all lots within this preliminary plat are required to be obtained within one (1) year, subject to extensions in accordance with the Unified Development Code.
6. All engineering and GIS department conditions included herein shall apply. All revisions shall be addressed prior to construction plan approval.
7. Signage shall be placed, and must remain, at stubbed-out streets or temporary cul-de-sacs indicating future street connection.

Standard conditions of approval:

8. Impact fees for fire, police, water, and sewer shall be paid in accordance with City ordinance.
9. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives: AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications).
10. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
11. Preliminary Plat development shall be valid for one calendar year.

Planning Commission Action: ☒ **Approved** ☐ **Forwarded** ☐ **Denied**

Meeting Date: December 14, 2015

Motion: **BROWN, WITH ALL CONDITIONS RECOMMENDED BY STAFF, INCLUDING A STREET CONNECTION TO THE WEST.**

Second: **HOSKINS**

Vote: **8-0-0**

Vote:

BUDGET/STAFF IMPACT:

None

Attachments:

- Engineering Division comments
- Sketch of possible street alignment
- City 911 Coordinator comments
- Washington County comments
- Request letter
- Applicant's street improvement assessment
- Site plan
- Sight distance exhibit
- Close Up Map
- One Mile Map



Date: December 1, 2015

Subdivision Committee Staff Memo

To: Quin Thompson, Current Planner

From: Corey Granderson, Staff Engineer

Re: Plat Review Comments

Development: PPL 15-5253: Preliminary Plat FOX HILLS SUBDIVISION

Engineer: Jorgensen & Associates

Intersection Safety Comments:

This plat proposes a new street that will intersect AR-45 across from the existing Shelton Loop intersection, east of Fox Trail. It is the opinion of the Engineering Division that traffic leaving this proposed street and turning right or left onto AR-45 would not create or exacerbate a dangerous traffic condition. As can be seen on the attached exhibit, both the right and left turn movements from this proposed street have adequate Stopping Sight Distances and Intersection Sight Distances based on industry standards (AASHTO, 2011).

AASHTO's A Policy on Geometric Design of Highways and Streets states that "If the available sight distance for an entering or crossing vehicle is at least equal to the appropriate stopping sight distance for the major road, then drivers have sufficient sight distance to anticipate and avoid collisions. However, in some cases a major-road vehicle may need to stop or slow to accommodate the maneuver by a minor-road vehicle. To enhance traffic operations, intersection sight distances that exceed stopping sight distances are desirable along the major road." These increased sight distances are called "intersection sight distances" and have been met on this project in addition to the safety-related minimum stopping sight distances as mentioned above and shown in the attached exhibit.

Plan Comments:

1. Two points of waterline looping have been shown at the end of the westernmost cul-de-sac. Either option will be acceptable, but only one loop point needs to be provided.
2. Waterline looping from the end of the dead-end line at south cul-de-sac must be provided. Logical looping point is due west requiring offsite easements & construction.
3. Proposed waterline radius appears too tight. Provide manufacturer's specification for allowable deflection at each joint. Pipe deflection between joints will not be considered. Provide additional fittings.
4. Water meters have not been shown to service lots 11 and 12. Show these on updated plan.
5. Original sight-distance comments and information have been attached to this memo for reference.

Standard Comments:

1. All designs are subject to the City's latest design criteria (water, sewer, streets and drainage). Review for plat approval is not approval of public improvements, and all proposed improvements are subject to further review at the time construction plans are submitted.

2. Any damage to the existing public street due to construction shall be repaired/replaced at the owner/developers expense
3. Water and sewer impact fees will apply for the additional impact to the system. The fees will be based on the proposed meter size and will be charged at the time of meter set.
4. Note, the following portions of all projects will typically not be reviewed by the Engineering Division until time of construction-level review (unless specifically requested at plat review):
 - o Storm Sewer pipe/inlet sizing, gutter spread, profiles, or utility conflicts
 - o Sanitary Sewer pipe sizing, profiles, or utility conflicts
 - o Waterline fittings, callouts, or utility conflicts
 - o Street profiles
 - o Fine grading/spot elevations
5. The Engineer of Record shall:
 - a. Review and approve material submittals. Approved submittals shall be submitted to the City for concurrence before grading permit is issued.
 - b. Perform "Full Time" Inspection for the utility installation and shall be "In- Charge" of the approval testing.
 - c. Provide a qualified representative for all testing and inspection.
 - d. Schedule testing with the Public Works Inspector.
 - e. Authorize geotechnical testing laboratory to provide reports directly to City in PDF format. Reports shall be submitted in a timely manner.
 - f. Prepare material data sheets and test reports required by the specifications.
 - g. Insure that daily inspection reports and data sheets are submitted to the City of Fayetteville's public works inspector weekly in PDF format.
6. 2012 Standard Water & Sanitary Sewer Specifications & Details apply
7. Demolition shall not begin until the appropriate erosion control measures and required tree preservation fencing are installed
8. Prior to **Project Acceptance** (Final Plat) the following items must be performed or provided to the satisfaction of the Engineering Department:
 - h. The work shown on the civil site package must be complete and the items on the final punch list completed.
 - i. Vegetation must be established in accordance with Section 169.04 of the UDC and perimeter controls removed.
 - j. One (1) set of as-built drawings of the complete project (excluding details) as a hard copy, digital file .dwg, and PDF format;
 - i. Public infrastructure and services shall be surveyed after installation in relation to easements, property lines, and rights-of-way.
 1. More than 2 ft deviation of design alignment of shall require new easement dedication or adjustment of the utility/storm drain.
 - ii. Professional surveyor shall provide stamp drawings specifically identifying the limits of as-built survey performed.
 - iii. As-builts should include the following information in a table; Linear Feet of new public streets, sidewalk (categorized by width), waterline, and sanitary sewer. Square feet of newly dedicated right-of-way.
 - k. Unit price construction costs for review and approval and a single 2 year maintenance bonds in the amount of 25% of the public improvements;
 - l. Certification that the streets, sidewalk, storm sewer, water, fire line, and sewer lines, etc., were installed per approved plans and City of Fayetteville requirements;

- i. Provide all Inspection Reports; approved submittals; Data Forms from Utility Specifications (Including Consultants sewer TV report); compaction test results, etc...
- m. Surveyor's Certification of Compliance for monuments and property pins.
- n. Bond, guarantee, or letter of credit for all sidewalks not constructed prior to final plat approval (150% of the estimated cost of construction);





- 1) PLAT PAGE #260 & 299.
2) PARCEL NUMBER: 001-15752-000 & 001-15753-000
3) THIS PROPERTY IS NOT AFFECTED BY THE 100 YEAR FLOOD
PLAIN AS PER FRM #0514300230F DATED MAY 16, 2008
4) CURRENT ZONING = COUNTY 1 DWELLING UNIT PER ACRE

SKETCH OF POSSIBLE STREET ALIGNMENT



CORE TABLE						
CORE	LENGTH	WATERS	TARGET	CHORO	REMARKS	DATE
12	25.77	NO.00	(1) 20	20.48	NOT REFINED	27/12/2008

WASHINGTON COUNTY, ARKANSAS

FIG. 1. DISCUSSION

born at the South Hall, 13112 of the Westwood Quarter, 8th March 1731. Section Thirty-three (131), 13112, 13113, 13114, 13115, 13116, 13117, 13118, 13119, 13120, 13121, 13122, 13123, 13124, 13125, 13126, 13127, 13128, 13129, 13130, 13131, 13132, 13133, 13134, 13135, 13136, 13137, 13138, 13139, 13140, 13141, 13142, 13143, 13144, 13145, 13146, 13147, 13148, 13149, 13150, 13151, 13152, 13153, 13154, 13155, 13156, 13157, 13158, 13159, 13160, 13161, 13162, 13163, 13164, 13165, 13166, 13167, 13168, 13169, 13170, 13171, 13172, 13173, 13174, 13175, 13176, 13177, 13178, 13179, 13180, 13181, 13182, 13183, 13184, 13185, 13186, 13187, 13188, 13189, 13190, 13191, 13192, 13193, 13194, 13195, 13196, 13197, 13198, 13199, 13200, 13201, 13202, 13203, 13204, 13205, 13206, 13207, 13208, 13209, 13210, 13211, 13212, 13213, 13214, 13215, 13216, 13217, 13218, 13219, 13220, 13221, 13222, 13223, 13224, 13225, 13226, 13227, 13228, 13229, 13230, 13231, 13232, 13233, 13234, 13235, 13236, 13237, 13238, 13239, 13240, 13241, 13242, 13243, 13244, 13245, 13246, 13247, 13248, 13249, 13250, 13251, 13252, 13253, 13254, 13255, 13256, 13257, 13258, 13259, 13260, 13261, 13262, 13263, 13264, 13265, 13266, 13267, 13268, 13269, 13270, 13271, 13272, 13273, 13274, 13275, 13276, 13277, 13278, 13279, 13280, 13281, 13282, 13283, 13284, 13285, 13286, 13287, 13288, 13289, 13290, 13291, 13292, 13293, 13294, 13295, 13296, 13297, 13298, 13299, 13300, 13301, 13302, 13303, 13304, 13305, 13306, 13307, 13308, 13309, 13310, 13311, 13312, 13313, 13314, 13315, 13316, 13317, 13318, 13319, 13320, 13321, 13322, 13323, 13324, 13325, 13326, 13327, 13328, 13329, 13330, 13331, 13332, 13333, 13334, 13335, 13336, 13337, 13338, 13339, 13340, 13341, 13342, 13343, 13344, 13345, 13346, 13347, 13348, 13349, 13350, 13351, 13352, 13353, 13354, 13355, 13356, 13357, 13358, 13359, 13360, 13361, 13362, 13363, 13364, 13365, 13366, 13367, 13368, 13369, 13370, 13371, 13372, 13373, 13374, 13375, 13376, 13377, 13378, 13379, 13380, 13381, 13382, 13383, 13384, 13385, 13386, 13387, 13388, 13389, 13390, 13391, 13392, 13393, 13394, 13395, 13396, 13397, 13398, 13399, 13400, 13401, 13402, 13403, 13404, 13405, 13406, 13407, 13408, 13409, 13410, 13411, 13412, 13413, 13414, 13415, 13416, 13417, 13418, 13419, 13420, 13421, 13422, 13423, 13424, 13425, 13426, 13427, 13428, 13429, 13430, 13431, 13432, 13433, 13434, 13435, 13436, 13437, 13438, 13439, 13440, 13441, 13442, 13443, 13444, 13445, 13446, 13447, 13448, 13449, 13450, 13451, 13452, 13453, 13454, 13455, 13456, 13457, 13458, 13459, 13460, 13461, 13462, 13463, 13464, 13465, 13466, 13467, 13468, 13469, 13470, 13471, 13472, 13473, 13474, 13475, 13476, 13477, 13478, 13479, 13480, 13481, 13482, 13483, 13484, 13485, 13486, 13487, 13488, 13489, 13490, 13491, 13492, 13493, 13494, 13495, 13496, 13497, 13498, 13499, 13500, 13501, 13502, 13503, 13504, 13505, 13506, 13507, 13508, 13509, 13510, 13511, 13512, 13513, 13514, 13515, 13516, 13517, 13518, 13519, 13520, 13521, 13522, 13523, 13524, 13525, 13526, 13527, 13528, 13529, 13530, 13531, 13532, 13533, 13534, 13535, 13536, 13537, 13538, 13539, 13540, 13541, 13542, 13543, 13544, 13545, 13546, 13547, 13548, 13549, 13550, 13551, 13552, 13553, 13554, 13555, 13556, 13557, 13558, 13559, 13560, 13561, 13562, 13563, 13564, 13565, 13566, 13567, 13568, 13569, 13570, 13571, 13572, 13573, 13574, 13575, 13576, 13577, 13578, 13579, 13580, 13581, 13582, 13583, 13584, 13585, 13586, 13587, 13588, 13589, 13590, 13591, 13592, 13593, 13594, 13595, 13596, 13597, 13598, 13599, 13600, 13601, 13602, 13603, 13604, 13605, 13606, 13607, 13608, 13609, 13610, 13611, 13612, 13613, 13614, 13615, 13616, 13617, 13618, 13619, 13620, 13621, 13622, 13623, 13624, 13625, 13626, 13627, 13628, 13629, 13630, 13631, 13632, 13633, 13634, 13635, 13636, 13637, 13638, 13639, 13640, 13641, 13642, 13643, 13644, 13645, 13646, 13647, 13648, 13649, 13650, 13651, 13652, 13653, 13654, 13655, 13656, 13657, 13658, 13659, 13660, 13661, 13662, 13663, 13664, 13665, 13666, 13667, 13668, 13669, 13670, 13671, 13672, 13673, 13674, 13675, 13676, 13677, 13678, 13679, 13680, 13681, 13682, 13683, 13684, 13685, 13686, 13687, 13688, 13689, 13690, 1369

Also being a part of the South half of the Northeast Quarter of Section 33, Township 19 North of Range 29 West and being more particularly described as follows:

Suggested street names were not approved by the street naming committee. Please contact the Addressing office for street naming.
Ph. 479-575-8380
email. dgilbert@fayetteville-ar.gov

PROJECT TITLE: FOX HILLS SUBDIVISION
LOCATION: FAYETTEVILLE, ARKANSAS
SHEET TITLE: PRELIMINARY PLAT

DRAWN BY: BUR
SHEET SCALE: 1"=100'
DATE: NOVEMBER 04, 2015

ADDITIONAL INFORMATION: 7/18/2006

IODGENICEN 174 W. 5th Avenue, Suite 5



1.0 200 400 600 800 1000

© 2004 Blackwell Publishing Ltd, *Journal of Internal Medicine* 255: 101–111

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NUMBER OF STUDIES / LITERATURE

MISSISSAUGA, ONT.

— — — — —

ENTERING STREET

CENTERLINE MARK

0N3937

Planning Commission
December 14, 2015
Agenda Item 3
15-5253 Fox Hills SD
Page 10 of 17

Garner, Andrew

WASHINGTON COUNTY EMAIL

Subject: FW: New plat on Mission

From: Juliet Richey
Sent: Tuesday, November 24, 2015 9:31 AM
To: 'Fulcher, Jesse'; Melissa Wonnacott; 'Thompson, Quin'
Cc: Clay Grote (clay@aconcretesi.com); Donnie Coleman; Charles Ward
Subject: RE: New plat on Mission

Jesse and Quin:

I understand that you will be receiving resubmittals on this project tomorrow. Could you please forward me the resubmittals once you have them? I will forward them along to our road department and engineer for further review.

My preliminary comments for this project include:

This plat must also be reviewed and approved by Washington County once the City has approved it.

Sight Distance

As the proposed roads will be County Roads, we have concerns regarding sight visibility at the intersection of the proposed North/South Subdivision road and HWY 45.

Has the HWY Dept commented on this situation yet? The county would require that sight distance visibility measurements be submitted for this intersection as per County code (reflective of AASHTO standards). I am a little confused by the included diagram referencing "stopping distance". In addition to stopping distance calculations for HWY 45, there must also be adequate distance for intersection sight distance and turning movements both coming into and leaving proposed intersection. I cannot tell if that is available or not with the presented information.

What is the posted speed here; 45 mph? Is there a different design speed?

Septic concerns:

I have concerns regarding the septic systems on lots 1-10. The placement of the test pits on a majority of these lots appears to be uphill from proposed lot locations. In addition there are several drainage ways that go through these lots that will likely require drainage easements. Will there be a setback from these easements/ stream areas required by ADH? Regardless, they will bisect the site, and I think that should be taken into consideration on the front end at Preliminary Plat (to assure that the lot layout as proposed is feasible).

ROW

ROW is required at the end of the proposed cul-de-sac at the terminus of the southern street. This either needs to be obtained from the adjacent property owner or the cul-de-sac to be pulled back slightly so that ROW (for maintenance purposes) can be accommodated on this site.

The County may have further comments as review progresses. Thank you for including us in this preliminary review.

Juliet Richey
Washington County Planning Director
2615 Brink Drive
Fayetteville, AR 72701
(479) 444-1724



124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703
Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

November 4, 2015

City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701

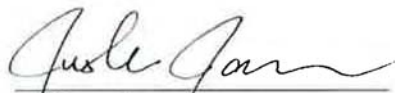
Attn: Development Services

Re: Fox Hills PPL

Please find an application for a preliminary plat for Fox Hills Subdivision. This site sits at the SW corner of Hwy 45 and Fox Trail and is outside the city limits. The current County zoning is Agriculture/Single Family/ 1 unit per acre. The property is roughly 24.60 acres and is primarily all wooded with one existing house and a few other barn type structures. There is no sewer to this site and there is a 12" waterline along the south side of Hwy 45 as well as a 6" line along the east side of Fox Trail. A sight distance calculation has been performed for the proposed intersection for both cars leaving the site as well as vehicles traveling west and east bound on Hwy 454 and has been included with this submittal. There is a proposed future connection to the south but not to Fox Trail. We eliminated this connectivity due to the fact that Fox Trail is currently divided with a landscape island and it would be a right out only.

We look forward to working with the City to make this project a success.

Sincerely;


Justin L. Jorgensen, P.E.



JORGENSEN
+ASSOCIATES
Civil Engineering + Surveying

Tentative Agenda
January 12, 2016
124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703
Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

December 8, 2016

City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701

Attn: Quin Thompson
Re: Havenwood Subdivision

Dear Quin;

The quantities and costs for the removal of the temporary cul-de-sac, re-vegetation of the area, and construction of new sidewalk and curb have been included for your review. The total cost for each is as follows:

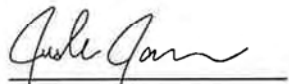
• Sawcut existing street:	\$1,000.00
• Remove existing curb & asphalt:	\$ 2,500.00
• Install 210 l.f. of curb and gutter @ \$15/l.f.	\$ 3,150.00
• Backfill & finish grade:	\$ 1,500.00
• Install 175 l.f. of sidewalk @ \$18/l.f.	\$ 3,150.00
• Re-vegetate:	<u>\$ 1,500.00</u>

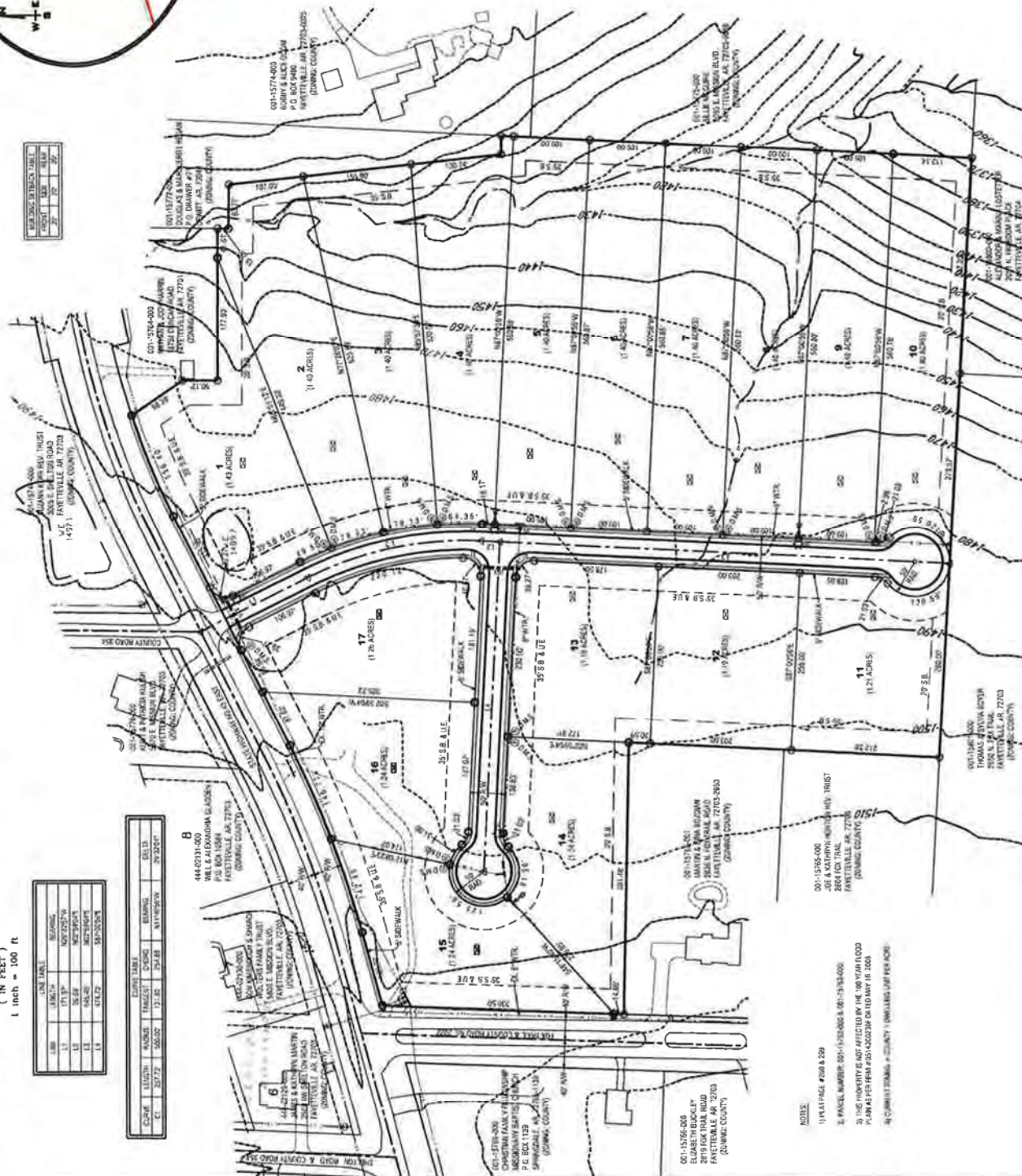
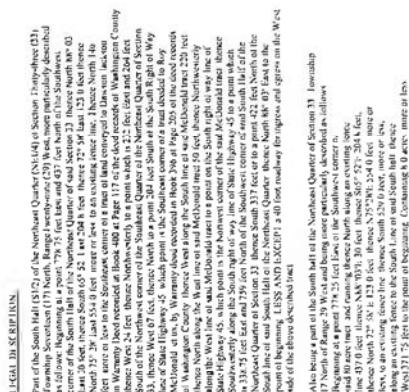
Total: \$ 12,800.00

Please review and let us know if you have any questions.

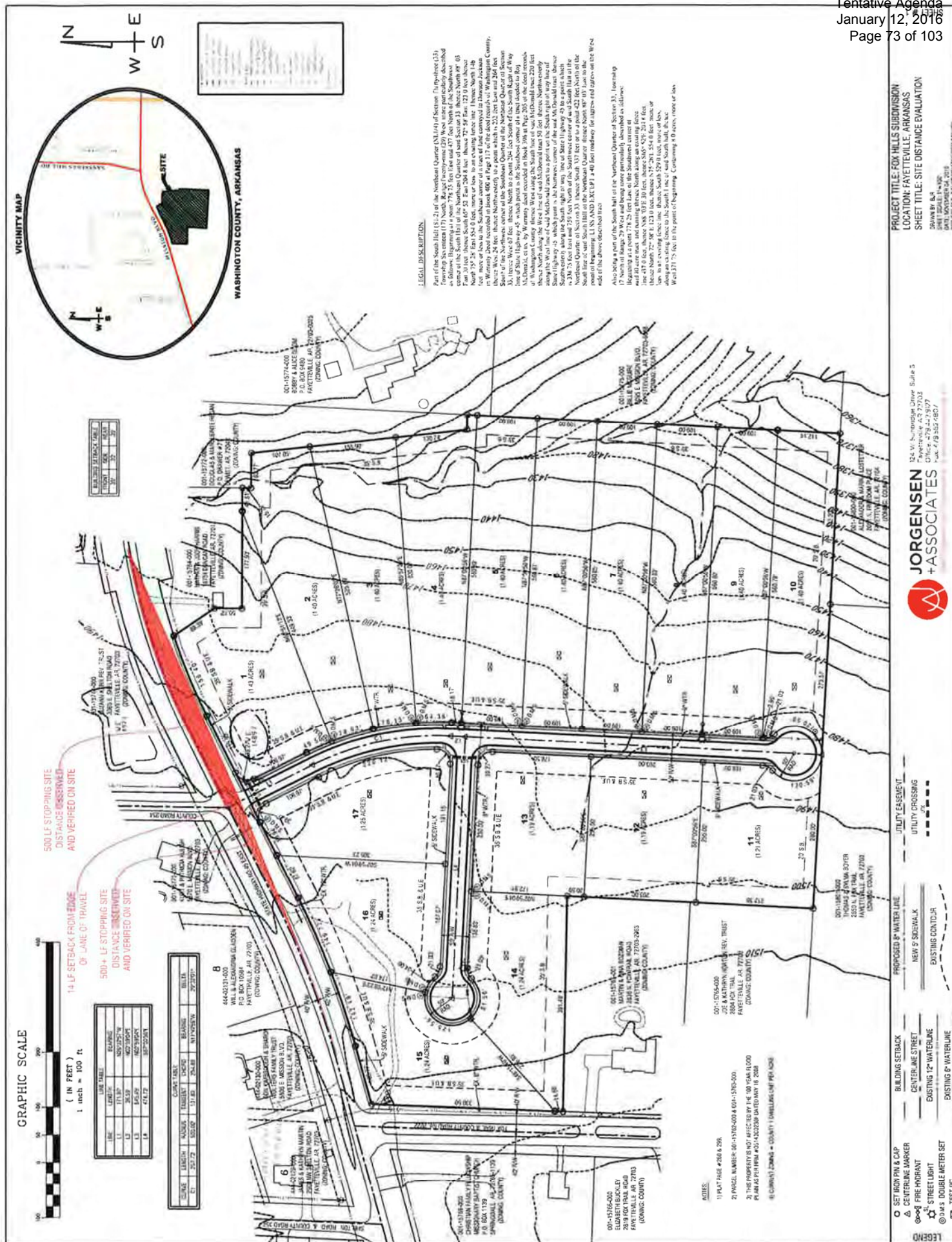
Thank you.

Sincerely;


Justin L. Jorgensen, P.E.



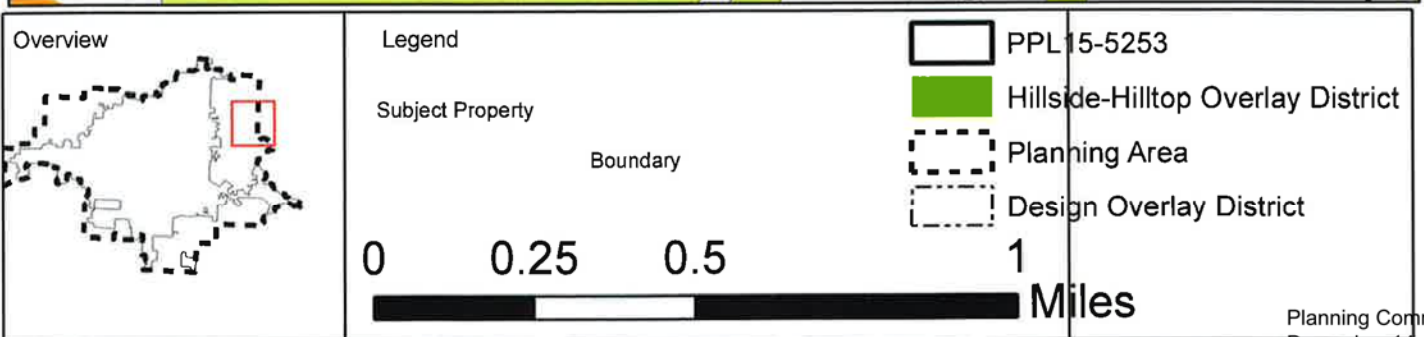
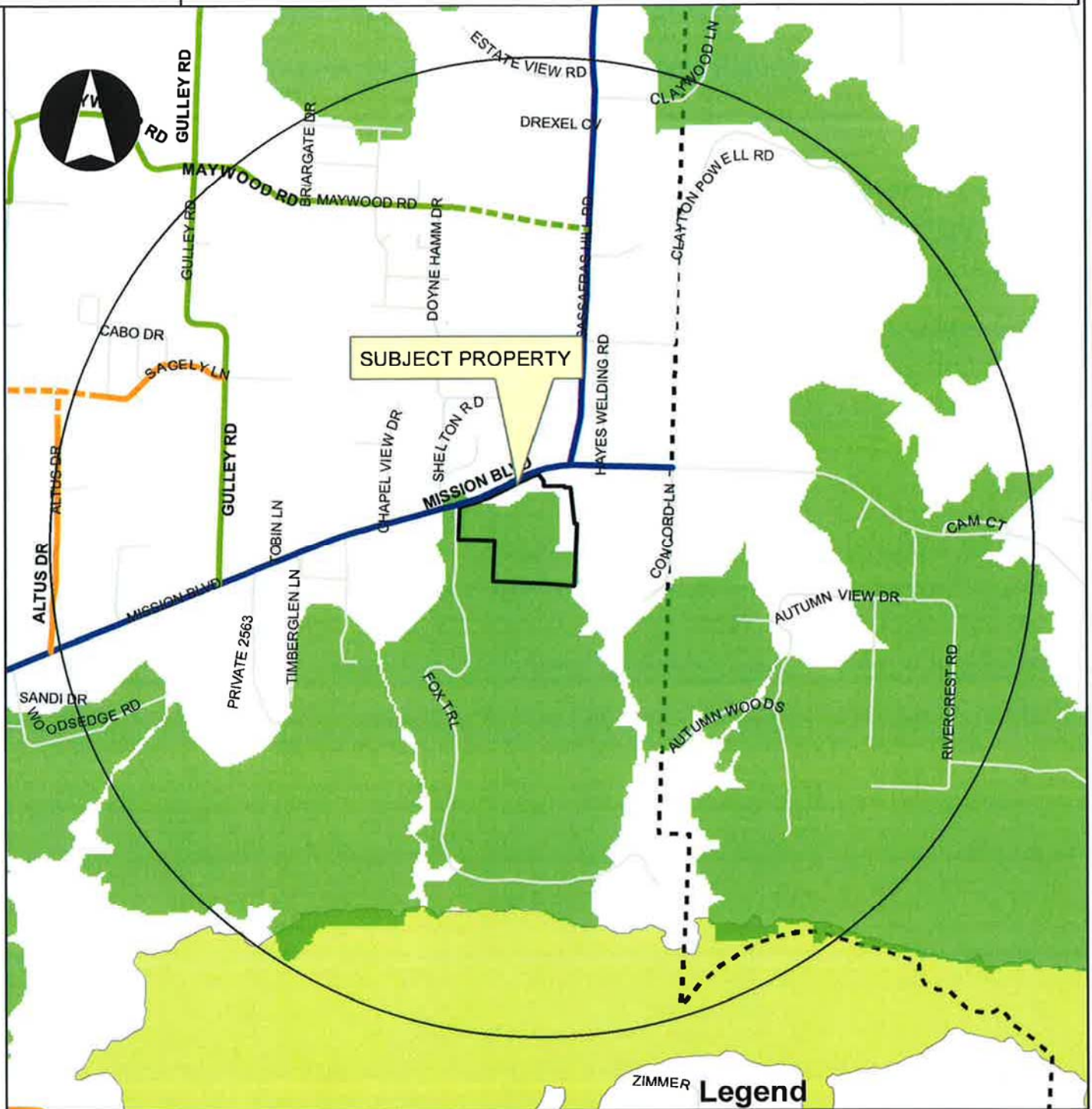
NOTES:



LSD 15-5253

FOX HILLS SUBDIVISION

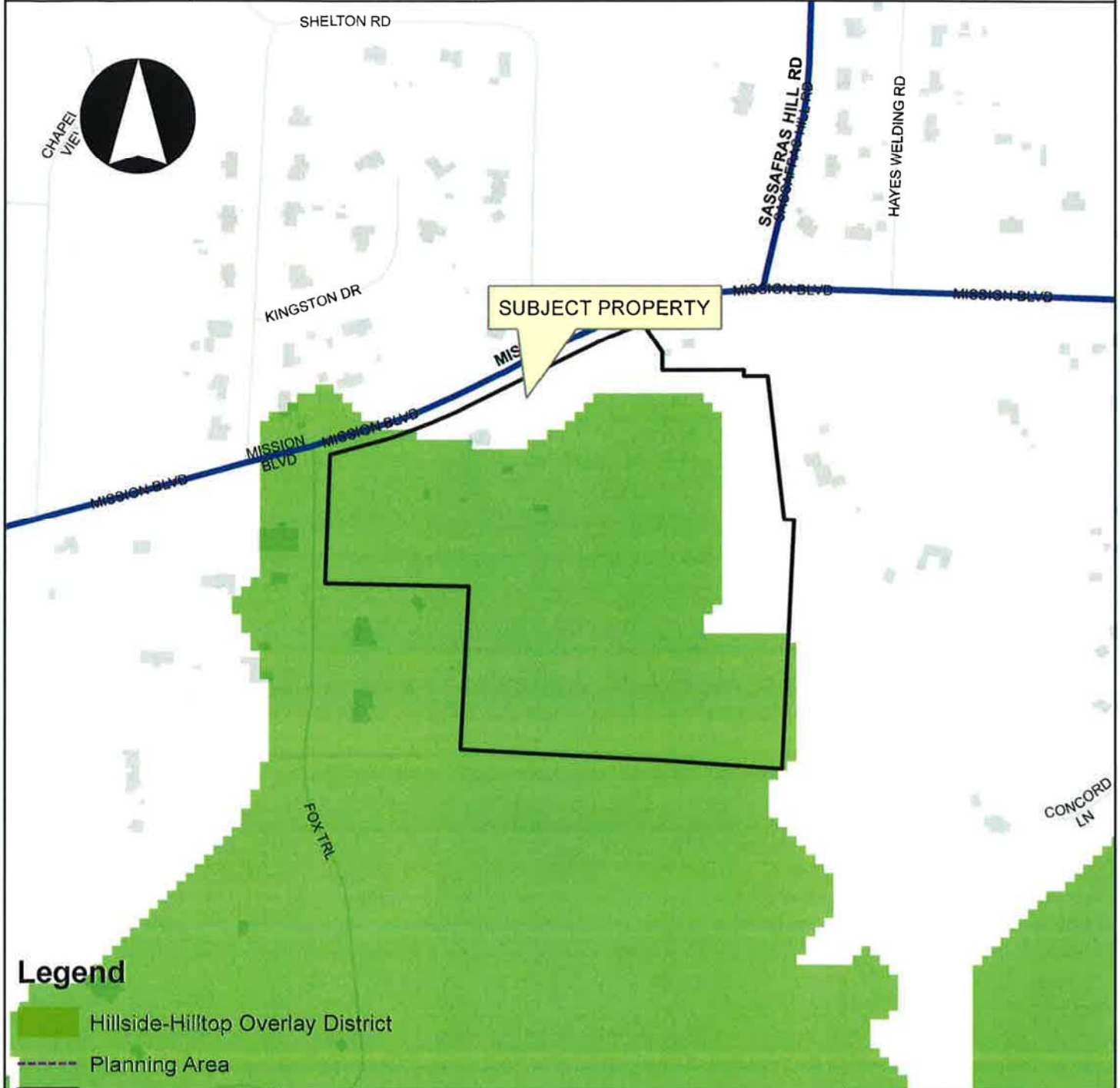
One Mile View



PPL15-5253

FOX HILLS SUBDIVISION

Close Up View



Legend

- Hillside-Hilltop Overlay District
- Planning Area

Overview PPL15-5253

- Design Overlay District
- 0.2% Chance Floodplain (500 - yr Floodplain)
- Zone A, 1% Chance Floodplain (100 - yr Floodplain)
- Zone AE, 1% Chance Floodplain (100 - yr Floodplain)
- Footprints 2010

0 150 300 600 900 1,200 Feet



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan
City Council

CC: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director
Andrew Garner, Planning Director

FROM: Kit Williams, City Attorney

A handwritten signature in blue ink, appearing to read "Kit Williams", with a long horizontal line extending to the right.

DATE: December 23, 2015

RE: PPL 15-5253 (Preliminary Plat of Fox Hills Subdivision)

The proposed developer of Fox Hills Subdivision which is a mile or so out of town on Highway 45 East, but within our "Planning Area" has appealed the denial of their variance not to have to connect to another road intersecting Highway 45 slightly to the East of their proposed low density residential development. The developer agreed to dedicate right of way for and in the future turn the ending cul-de-sac of its road to stub out to the South toward a large field.

You need to decide whether connectivity or safety concerns should require that the developer construct this additional street access for his proposed development.



City of Fayetteville, Arkansas

Tentative Agenda
January 12, 2016
Page 77 of 103
113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2016-0006

Agenda Date: 1/19/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: C. 1

AMEND THE 2016 ADOPTED BUDGET:

A RESOLUTION TO AMEND THE 2016 ADOPTED BUDGET BY REAPPROPRIATING \$71,748,700.00 IN BONDED OR ONGOING CAPITAL PROJECTS, OUTSTANDING OBLIGATIONS AND GRANT FUNDED ITEMS

WHEREAS, capital projects often are constructed and paid for in more than one calendar year which requires the funds appropriated in the initial year for the project to be reappropriated to the subsequent year to complete the project; and

WHEREAS, certain outstanding obligations and grant funded items must be reappropriated to complete these obligations or grant funded projects.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas, hereby approves an amendment to the 2016 Budget to reflect \$71,748,700.00 in bonded or ongoing capital projects, outstanding obligations and grant funded items as shown on the worksheet attached to this Resolution.

City of Fayetteville Staff Review Form

2016-0006

Legistar File ID

1/19/2016

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Kevin Springer

12/31/2015

Budget & Information Management /
Finance & Internal Services Department

Submitted By

Submitted Date

Division / Department

Action Recommendation:

A RESOLUTION TO AMEND THE 2016 ADOPTED BUDGET BY REAPPROPRIATING \$71,748,700 IN BONDED OR ON-GOING CAPITAL PROJECTS AND OUTSTANDING OBLIGATIONS AND GRANT FUNDED ITEMS.

Budget Impact:

VARIOUS

VARIOUS

Account Number

Fund

VARIOUS

VARIOUS

Project Number

Project Title

Budgeted Item? Yes

Current Budget \$ 147,268,000.00

Funds Obligated \$ -

Current Balance **\$ 147,268,000.00**

Does item have a cost? No

Item Cost \$ -

Budget Adjustment Attached? NA

Budget Adjustment \$ 71,748,700.00

Remaining Budget **\$ 219,016,700.00**

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

Comments:

MEETING OF JANUARY 20, 2016

TO: Mayor and City Council

THRU: Don Marr, Chief of Staff
Paul A. Becker, Chief Financial Officer

FROM: Kevin Springer, Budget Director

DATE: December 31, 2015

SUBJECT: 2016 Budget Re-appropriation Request

RECOMMENDATION:

It is recommended to amend the 2016 Adopted Budget by re-appropriating \$71,748,700 in bonded or ongoing capital projects and outstanding obligations and grant funded items. In addition, staff is recommending approval of any changes to this request that may arise due to finalizing the 2015 year end which would result in a decrease in the total authorized budget.

BACKGROUND:

Budget appropriations for 2015 expired December 31, 2015. Equipment and supplies or services must have been received by December 31 in order to be charged to the 2015 Budget. Some departments have items or services that were budgeted in 2015 but were not delivered or complete by year-end. In these cases, unspent amounts for those projects and items need to be re appropriated, since they were not included in the 2016 Budget. In the case of capital improvement projects, unspent funds are added to any amounts appropriated in the 2016 Budget.

Because of the need for project continuation, staff recommends approval of the attached Re-appropriation budget request at the January 19, 2016 City Council meeting. City Council is requested to amend the 2016 Adopted Budget by re-authorizing up to \$71,748,700 for purchase commitments and capital improvements as follows:

CATEGORY	OBLIGATED	NON-OBLIGATED	TOTAL
1 - Bonded Capital Projects	\$ 11,566,908	\$ 5,192,780	\$ 16,759,688
2 - Grants / Donations / Reimbursements	180,486	2,715,190	2,895,676
3 - Operational Obligations	159,040	153,536	312,576
4 - Capital Improvements Projects (CIP)	18,129,252	33,651,508	51,780,760
Grand Total	\$ 30,035,686	\$ 41,713,014	\$ 71,748,700

A finalized listing of the capital project re-appropriations will be submitted to City Council as an informational item during the First Quarter of 2016.

Please find attached a schedule of capital projects by Improvement Type which were included in the 2015 Budget that were not fully expended during the 2015 fiscal year. The 2015 estimated unreserved fund balance/retained earnings for the respective funds reflected the cost of the requested re-appropriation. These re-budgeted items, therefore, do not impact the estimated fund balance amounts which were forecasted in the 2016 Budget.

The re-authorization of prior year's appropriated projects and items are normal budget operating procedures and are generally for one-time expenses. Approval of this request will allow the 2016 Budget to be increased to reflect the attached information. Several of the requested re-authorizations include revenue offset in the form of grant revenues.

Total requested re-budgets for all funds are in the attached worksheet. These amounts will require City Council action. For your information, a summary by Funding Source and Improvement Type is included following this memo. The re-appropriation amounts are broken out into two separate categories:

- Obligated: These items have Contracts/Purchase Orders already issued on them during 2015 and the City will not receive the item and/or service until 2016.
- Unobligated: These items did not have any Contracts/Purchase Orders issued on them as of 2015.

BUDGET/STAFF IMPACT:

The estimated fund balance for the 2016 Budget was based on the assumption that these 2015 funds would be either spent in 2015 or be re-appropriated. The funds do not increase the use of operating reserves and this request simply retains project funding for identified and scheduled capital improvements for the current fiscal year.

If you have any questions concerning the attachment or the procedure, please feel free to contact either Paul A. Becker (575-8330) or Kevin Springer (575-8226). Thank you for your attention to this request.

Attachments:

2016 Appropriations (Summary by Fund)

2016 Appropriations (Detail)

2016 Appropriations (Summary by Fund)

FUNDING SOURCE	OBLIGATED	NON	TOTAL
		OBLIGATED	
1010 - General	230,613	1,688,505	1,919,118
2100 - Street	123,713	1,050,014	1,173,727
2130 - Parking	-	65,833	65,833
2180 - Community Development Block Grant	20,980	1,057,535	1,078,515
2230 - Special State Grants	87,576	-	87,576
2250 - Parks Development	5,334,318	1,062,837	6,397,155
2300 - Impact Fee	136,826	3,557,232	3,694,058
2930 - Drug Law Enforcement	-	89,051	89,051
4270 - Replacement & Disaster Recovery	-	114,924	114,924
4470 - Sales Tax Capital Improvements	5,062,137	7,700,596	12,762,733
4520 - Sales Tax Construction Bond	9,032,012	5,074,449	14,106,461
4560 - Parking Deck Project	376,701	118,294	494,995
4570 - HMR 2014 Bond Capital Improvement	2,158,195	37	2,158,232
5400 - Water & Sewer	2,546,830	16,619,159	19,165,989
5500 - Recycling & Trash Collection	3,306,310	1,035,098	4,341,408
5550 - Airport	187,819	522,320	710,139
9700 - Shop	1,431,656	1,957,130	3,388,786
Grand Total	30,035,686	41,713,014	71,748,700

2016 Appropriations (Detail)

CATEGORY	FUNDING SOURCE	OBLIGATED	NON OBLIGATED	TOTAL
1 - BONDS	4520 - Sales Tax Construction Bond			
	Street Improvements:			
	06035 - Transportation Bond Street Improvements	9,032,012	5,074,449	14,106,461
	4560 - Parking Deck Project			
	Transportation Improvements:			
	11028 - Entertainment District Parking Facility	376,701	118,294	494,995
	4570 - HMR 2014 Bond Capital Improvement			
	Parks & Recreation Improvements:			
	02002 - Regional Park Development	289,398	-	289,398
	Other Capital Improvements:			
	14022 - WAC Facility Expansion (HMR 2014 Bond)	1,868,797	37	1,868,834
1 - BONDS Total		11,566,908	5,192,780	16,759,688

2016 Appropriations (Detail)

CATEGORY	FUNDING SOURCE	OBLIGATED	NON OBLIGATED	TOTAL
2 - GRANTS	1010 - General			
	Fire Improvements:			
	31503 - Fire FEMA Grant - Operations/Safety Eqp	-	76,095	76,095
	Police Improvements:			
	31307 - COPS Hiring Grant - 2013	-	445,131	445,131
	31501 - HSI ICAC Task Force	-	306	306
	36033 - Police Internet Crimes Against Child Grt	-	13,902	13,902
	37042 - Police Bulletproof Vests Partership	-	5,902	5,902
	38071 - Police IRS Reimbursements	-	14,936	14,936
	38078 - Police DEA Reimbursement	-	9,382	9,382
	Grants/Donations:			
	31301 - Police DTF State Crime Fund Grant (DCF)	-	179	179
	33044 - Police Department Donations	-	17,373	17,373
	33045 - Police Law Enforcement State Forfeitures	-	127,900	127,900
	33046 - Police Law Enforcement Fed Forfeitures	-	123,359	123,359
	33047 - Fire Department Act 833/46/Misc Revenue	-	8,008	8,008
	33048 - Animal Services Miscellaneous Donations	-	72,033	72,033
	33049 - Animal Services Clinic Donations	-	2,490	2,490
	33051 - Parks & Recreation Donations	-	62,645	62,645
	36024 - Historic Preservation Travel & Training	4,960	9,345	14,305
	36029 - Fire - Donations	-	784	784
	38067 - Police STEP Grant	-	107,117	107,117
	38070 - Police High Intensity Drug Trafficking	-	13,245	13,245
	39012 - District Court Automation	-	14,193	14,193
	39022 - Police JAG Local Solicitation	-	97,765	97,765
	39024 - Police IRS/Treasury Forfeitures	66,970	311,195	378,165

2016 Appropriations (Detail)

CATEGORY	FUNDING SOURCE	OBLIGATED	NON OBLIGATED	TOTAL
2 - GRANTS	2180 - Community Development Block Grant			
	Operational:			
	Community Development Block Grant	20,980	1,057,535	1,078,515
	2230 - Special State Grants			
	Grants/Donations:			
	31306 - NEA School Street Grant	28,720	-	28,720
	31504 - USDA Farmers' Market Promotions Grant	58,856	-	58,856
	2930 - Drug Law Enforcement			
	Grants/Donations:			
	38070 - Police High Intensity Drug Trafficking	-	89,051	89,051
	5500 - Recycling & Trash Collection			
	Recycling & Trash Collection Improvements:			
	31302 - Keep Fayetteville Beautiful CLPP	-	588	588
	31304 - Curbside Value Partnership Grant	-	6,327	6,327
	33028 - Solid Waste E-Waste Grant (ADEQ)	-	20,404	20,404
	Grants/Donations:			
	31505 - Boston Mountain Recycling Distrist Grant	-	8,000	8,000
2 - GRANTS Total		180,486	2,715,190	2,895,676

2016 Appropriations (Detail)

CATEGORY	FUNDING SOURCE	OBLIGATED	NON OBLIGATED	TOTAL
3 - OPERATIONAL	1010 - General			
	Other Capital Improvements:			
	43020 - Wellness Program	-	8,805	8,805
	57018 - Sales Tax Capital (4470) Transactions	-	105,372	105,372
	57032 - Transfers to Shop Fund (9700)	-	17,500	17,500
	59027 - Economic Development Services	41,250	1,000	42,250
	Operational:			
	Obligated: All Traffic Solutions "Traffic Suite Software"	4,939	-	4,939
	Obligated: ALS Technologies Inc "Chemical Munitions"	864	-	864
	Obligated: Aurora DNV LLC "Armasight CO-LR 3 Alpha"	4,717	-	4,717
	Obligated: CelleBrite USA Corp "Cellebrite Software Maintenar	3,099	-	3,099
	Obligated: Cruse Uniforms & Equip Inc "Uniforms"	5,674	-	5,674
	Obligated: LaRue Tactical	12,987	-	12,987
	Obligated: LexisNexis Matthew Bender "Crime Reporting Softw	5,707	-	5,707
	Obligated: Scott Frame & Art LLC "FPD Display Case"	864	-	864
	Obligated: Preferred Office Prod Inc "Scanning of Paper Plat Pa	11,673	-	11,673
	Obligated: Austin Permit Service Inc "Contract Services - Plan F	2,750	-	2,750
	Community Resources Improvements:			
	50033 - Raze and Removals	-	2,300	2,300
	Tracking Items:			
	51022 - Public Access Television Fees	-	4,317	4,317
	Operational Items:			
	51501 - Bicycle Coordinator Contract	3,613	6,001	9,614

2016 Appropriations (Detail)

CATEGORY	FUNDING SOURCE	OBLIGATED	NON OBLIGATED	TOTAL
3 - OPERATIONAL	2100 - Street			
	Operational:			
	Obligated: BSC Holding Inc "Crushed Rock Salt"	23,303	-	23,303
	Obligated: S&R Trucking "Waste Disposal for Construction"	8,254	-	8,254
	5400 - Water & Sewer			
	Operational:			
	Obligated: Angst, Ervin L "Contractor Labor for Repairs"	700	-	700
	Obligated: Staffmark Investment LLC "Temporary GIS/Utility St	4,806	-	4,806
	Obligated: Environmental Consulting Op	23,840	-	23,840
	Tracking Items:			
	51401 - Fay Alert System Communication Plan	-	1,101	1,101
	5500 - Recycling & Trash Collection			
	Tracking Items:			
	51401 - Fay Alert System Communication Plan	-	7,140	7,140
3 - OPERATIONAL Total		159,040	153,536	312,576
4 - CIP	1010 - General			
	Other Capital Improvements:			
	13031 - Woolsey Architectural Assessment	1,073	-	1,073
	15031 - Economic Development Strategic Plan	59,473	-	59,473
	Police Improvements:			
	14020 - CDC Telephone Recording System	-	9,925	9,925
	2100 - Street			
	Transportation Improvements:			
	02053 - Sidewalk Improvements	92,156	171,099	263,255
	15001 - Willow Bend Development Cost Share	-	500,000	500,000
	15002 - Winter Weather Operations Center	-	378,915	378,915

2016 Appropriations (Detail)

CATEGORY	FUNDING SOURCE	OBLIGATED	NON OBLIGATED	TOTAL
4 - CIP	2130 - Parking			
	Other Capital Improvements:			
	15003 - Spring Street Parking Deck Improvements	-	9,973	9,973
	15004 - Meadow Street Parking Deck Improvements	-	20,000	20,000
	Transportation Improvements:			
	06001 - Parking Lot Improvements and Overlays	-	1,075	1,075
	11028 - Entertainment District Parking Facility	-	34,785	34,785
	2250 - Parks Development			
	Parks & Recreation Improvements:			
	02002 - Regional Park Development	5,334,318	870,145	6,204,463
	02013 - Neighborhood Park Development	-	149,619	149,619
	02014 - Other Park & Safety Improvements (2250)	-	28,891	28,891
	13001 - Community Park Improvements	-	14,182	14,182
	2300 - Impact Fee			
	Fire Improvements:			
	07003 - Fire Impact Fee Improvements (#4)	-	252,838	252,838
	08046 - Fire Traffic Preemption Signals	-	30,000	30,000
	Water & Sewer Improvements:			
	07002 - Water Impact Fee Improvements (#1)	-	1,596,239	1,596,239
	Wastewater Treatment Improvements:			
	07004 - Wastewater Impact Fee Improvements (#2)	-	1,539,048	1,539,048
	Police Improvements:			
	07001 - Police Impact Fee Improvements (#3)	136,826	139,107	275,933

2016 Appropriations (Detail)

CATEGORY	FUNDING SOURCE	OBLIGATED	NON OBLIGATED	TOTAL
4 - CIP	4270 - Replacement & Disaster Recovery			
	Other Capital Improvements:			
	04038 - Replacement Copier Funds	-	105,039	105,039
	Vehicles & Equipment Improvements:			
	05042 - Fleet - Vehicles/Equipment Under \$10,000	-	9,885	9,885
	4470 - Sales Tax Capital Improvements			
	Parks & Recreation Improvements:			
	02001 - Lights of the Ozarks	-	11,085	11,085
	02045 - Forestry/Safety & ADA Compliance (4470)	-	62,927	62,927
	08001 - Tree Escrow	-	201,401	201,401
	14006 - Fayetteville Sr Center Pkng Lot/Drainage	-	6,970	6,970
	15010 - Walker Park Sr Activity & Wellness Ctr	-	24,924	24,924
	15011 - Parks Safety & ADA	-	15,000	15,000
	15012 - Forestry & Habitat Improvements	-	27,675	27,675
	Fire Improvements:			
	02006 - Fire Facility Maintenance	-	123,451	123,451
	03019 - Fire Apparatus Purchases	-	21,135	21,135
	10015 - Fire Mobile Radios	-	16,067	16,067
	10017 - Fire Information Technology Updates	-	9,617	9,617
	Trail Improvements:			
	02016 - Trail Development	1,060,779	884,628	1,945,407
	15016 - Lake Fayetteville Trailhead (BGSO)	249,717	27,022	276,739
	15017 - Mud Creek Trail Lighting	-	250,000	250,000

2016 Appropriations (Detail)

CATEGORY	FUNDING SOURCE	OBLIGATED	NON OBLIGATED	TOTAL
4 - CIP	Other Capital Improvements:			
	02046 - Building Improvements	4,000	682,547	686,547
	02061 - Television Center Equipment	-	21,955	21,955
	04001 - Telecommunication Systems Upgrades	-	33,375	33,375
	11004 - Parking Lot Improvements (City Employee)	-	43,536	43,536
	12005 - On-Screen Graphics Generator Upgrade	-	6,816	6,816
	13004 - City Hall Audio-Visual Renovation	191,182	63,565	254,747
	13005 - Citywide Building Ins Appraisal Study	-	35,000	35,000
	13013 - Wayfinding Regional Signage Program	-	64,866	64,866
	13014 - Remote Meeting Recording	-	3,568	3,568
	13015 - Television Center Digital Conversion	218,546	31,194	249,740
	13046 - Tyson Factory Sale / Improvements	-	725,382	725,382
	14002 - Animal Services Improvements	-	18,473	18,473
	14003 - City Clerk Document Management Equipment	-	44,742	44,742
	14005 - Location Production System (Media)	-	6,669	6,669
	14013 - Kessler Mountain Acquisition	16,180	61,410	77,590
	15007 - Digital Signage Implementation	-	15,000	15,000
	15008 - Woolsey Homestead Historic Restoration	18,535	23,130	41,665
	15009 - Building Efficiency Improvements	-	21,964	21,964

2016 Appropriations (Detail)

CATEGORY	FUNDING SOURCE	OBLIGATED	NON OBLIGATED	TOTAL
4 - CIP	Police Improvements:			
	02047 - Police Building Improvements	4,973	10,088	15,061
	02062 - Police Specialized Equipment	-	18,853	18,853
	06002 - Police Technology Improvements	31,330	35,665	66,995
	06003 - Police Unmarked Vehicles	-	49,709	49,709
	08013 - Police Tandburg Video Arraignment System	-	18,000	18,000
	11006 - Police Equipment Replacement	-	29,308	29,308
	11008 - Police Speed Display Signs	-	1,425	1,425
	13011 - Police Bulletproof Vests	-	14,857	14,857
	14008 - Police Network/Server Replacements	-	79,182	79,182
	15014 - Police Automated External Defib (AED)	-	1,259	1,259
	15015 - Police Mobile Video System Replacement	-	35,000	35,000
	Transportation Improvements:			
	02052 - In-House Pavement Improvements	215,998	189,384	405,382
	02053 - Sidewalk Improvements	-	180,532	180,532
	02063 - Traffic Signal Improvements	-	297,319	297,319
	15018 - Wireless Traffic Signal Control	-	40,000	40,000

2016 Appropriations (Detail)

CATEGORY	FUNDING SOURCE	OBLIGATED	NON OBLIGATED	TOTAL
4 - CIP	Information Technology Improvements:			
	02055 - Geographic Information System (GIS)	-	36,755	36,755
	02056 - Local Area Network (LAN) Upgrades	-	18,597	18,597
	02057 - Microcomputer / Printer Replacements	-	16,269	16,269
	02094 - Document Management	-	28,086	28,086
	04047 - Fayetteville-AR.gov Technical Imps	8,000	57,776	65,776
	05055 - Software Upgrades - City Wide	-	14,456	14,456
	07010 - Budgeting & Planning Software System	-	47,360	47,360
	08025 - Time and Attendance	-	17,000	17,000
	09031 - Storage Area Network (SAN)	-	54,667	54,667
	10013 - IT Assessment and Project Management	-	21,372	21,372
	13007 - Enterprise Data Warehouse System	-	97,000	97,000
	15005 - Desktop Management System	-	11,800	11,800
	15006 - Web Security Filtering	-	16,836	16,836
	Bridge & Drainage Improvements:			
	02097 - Stormwater Quality Management	289,891	96,029	385,920
	02108 - Other Drainage Improvements	261,984	123,801	385,785
	Street Improvements:			
	02116 - Street ROW / Intersection / Cost Sharing	-	432,967	432,967
	06008 - Ruppel Road - Wedington to Mt. Comfort	-	297,213	297,213
	06035 - Transportation Bond Street Improvements	1,267,192	695,169	1,962,361
	10011 - Old Wire Road-Mission to Crossover	-	500,826	500,826
	14021 - Transportation Master Plan	-	499,718	499,718
	New World Logos/Aegis Computer Systems:			
	13008 - ERP Upgrade/Replacement	464,651	12,830	477,481
	14009 - Police Records Management System	759,179	18,394	777,573

2016 Appropriations (Detail)

CATEGORY	FUNDING SOURCE	OBLIGATED	NON OBLIGATED	TOTAL
4 - CIP	5400 - Water & Sewer			
	Water & Sewer Improvements:			
	02017 - Sanitary Sewer Rehabilitation	592,072	2,192,769	2,784,841
	02067 - Water and Sewer Cost Sharing	-	96,796	96,796
	04020 - Water Line Projects As Needed	2,185	59,999	62,184
	04039 - Water/Sewer Impact Fee Cost Sharing	-	870,594	870,594
	10005 - South Mtn Pump Station Repair & Replace	-	29,905	29,905
	10006 - Benson Mountain Pressure Plane Upgrade	-	325,000	325,000
	10007 - W/S Improvements Defined by Study	75,758	534,454	610,212
	11010 - Irrigation Reels - WWTP	-	100,660	100,660
	11011 - Water/Sewer Relocations - Bond Projects	35,781	827,197	862,978
	11012 - Waterline - Huntsville (265 - Van Hoose)	-	48,333	48,333
	11013 - Wetlands Bank Construction	-	350,000	350,000
	11014 - White River NPDES UAA and APCEC Action	23,628	14,998	38,626
	12009 - Water System Rehabilitation/Replacement	-	3,291,648	3,291,648
	13018 - Wastewater Treatment/Water Quality Imps	209,705	1,051,757	1,261,462
	14011 - Fire Alarm System for W/S Ops	-	24,512	24,512
	14012 - Rain Garden Project Grant	-	17,800	17,800
	14015 - Regional Park Waterlines	5,954	527,592	533,546
	14018 - Sewer Rehabilitation - Ramsey/Overcrest	75,883	2,339,865	2,415,748
	Wastewater Treatment Improvements:			
	02032 - W.W.T.P. Building Improvements	16,386	485,524	501,910
	02068 - Upgrade/Replace Lift Stations - W.W.T.P.	15,650	49,869	65,519
	02069 - Plant Pumps and Equipment - W.W.T.P.	249,699	120,806	370,505
	10008 - Disinfection System Replacement (UV)	662,522	58,002	720,524
	10027 - Phosphorus Standards Management	-	60,434	60,434
	15023 - Filter Cell Replacement - W.W.T.P.	-	1,000,000	1,000,000

2016 Appropriations (Detail)

CATEGORY	FUNDING SOURCE	OBLIGATED	NON OBLIGATED	TOTAL
4 - CIP	Water & Sewer Services Improvements:			
	02064 - Water & Sewer Rate/Operations Study	998	164,118	165,116
	02065 - Water Meters	54,849	445,120	499,969
	02066 - Backflow Prevention Assemblies	-	63,190	63,190
	03038 - Utilities Financial Services Impvs	-	82,165	82,165
	13016 - Business Office Technology Improvements	15,000	30,000	45,000
	13017 - Business Office Printer Replacements	-	30,000	30,000
	13019 - Water/Sewer Equipment Expansions	3,044	272,037	275,081
	15019 - Utilities Technology Improvements	-	12,000	12,000
	15020 - Water/Sewer Building-Office Improvements	5,620	143,817	149,437
	Street Improvements:			
	06035 - Transportation Bond Street Improvements	391,763	104,969	496,732
	Citywide Improvements:			
	09028 - Fiber Optic Cable	-	56,491	56,491
	Capital Water Mains (5600):			
	14010 - Water Tank Improvements	80,987	699,232	780,219
	15021 - Water Storage & Pump Station Maintenance	-	36,405	36,405

2016 Appropriations (Detail)

CATEGORY	FUNDING SOURCE	OBLIGATED	NON OBLIGATED	TOTAL
4 - CIP	5500 - Recycling & Trash Collection			
	Other Capital Improvements:			
	13030 - Access Control & Security System	-	1,757	1,757
	Recycling & Trash Collection Improvements:			
	07012 - Materials Recovery Facility Improvements	-	33,276	33,276
	09019 - Recycling Containers ADEQ Grant Purchase	-	30,852	30,852
	10001 - Solid Waste Compactors	-	406,941	406,941
	10003 - Westside Recycling Drop Off Facility	-	10,673	10,673
	10004 - Solid Waste Commercial Rate Study	-	110,000	110,000
	13021 - Solid Waste Office & Trans Station Exp	3,182,759	252,421	3,435,180
	14019 - Waste Reduction & Recycling Plan	123,551	-	123,551
	15024 - Container Maintenance Building Upgrade	-	25,000	25,000
	15025 - Solid Waste Containers	-	14,931	14,931
	Citywide Improvements:			
	09028 - Fiber Optic Cable	-	106,788	106,788

2016 Appropriations (Detail)

CATEGORY	FUNDING SOURCE	OBLIGATED	NON OBLIGATED	TOTAL
4 - CIP	5550 - Airport			
	Other Capital Improvements:			
	13030 - Access Control & Security System	-	1,046	1,046
	Aviation Improvements:			
	05046 - Airport Expansion Equipment (AIP#21 REV)	-	40,018	40,018
	13023 - Airport ARFF Personal Protective Gear	-	1,232	1,232
	13025 - Airport Roof Replacements	27,500	183,500	211,000
	13026 - Airport Self Serve Station Upgrade	-	10,000	10,000
	13027 - Airport Fire Sprinkler Repl White Hangar	-	140,000	140,000
	14014 - Airport Terminal Apron Rehabilitation	3,428	39,381	42,809
	15026 - Airport Lighting Improvements	-	7,754	7,754
	15027 - Airport Boiler Improvements	-	25,000	25,000
	15029 - Airport Engineering Consultant Services	59,503	-	59,503
	15030 - Airport Pavement Painting & Signs	97,388	74,389	171,777
	9700 - Shop			
	Other Capital Improvements:			
	12007 - Shop Improvements	45,991	167,364	213,355
	Vehicles & Equipment Improvements:			
	02076 - Fleet - Backhoes / Loaders	-	186,640	186,640
	02078 - Fleet - Light / Medium Utility Vehicles	106,246	357,285	463,531
	02079 - Fleet - Heavy Utility Vehicles	279,000	152,464	431,464
	02080 - Fleet - Other Vehicles / Equipment	17,982	297,195	315,177
	02081 - Fleet - Police / Passenger Vehicles	14,200	396,268	410,468
	02082 - Fleet - Recycling/Trash Vehicles/Equip	953,552	162,797	1,116,349
	02083 - Fleet - Tractors / Mowers	14,685	237,117	251,802
4 - CIP Total		18,129,252	33,651,508	51,780,760
Grand Total		30,035,686	41,713,014	71,748,700



City of Fayetteville, Arkansas

Tentative Agenda
January 12, 2016
Page 96 of 103
113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2016-0007

Agenda Date: 1/19/2016

Version: 1

Status: Agenda Ready

In Control: City Council Meeting

File Type: Resolution

Agenda Number: C. 2

AMEND § 72.02 NONCONSENSUAL, POLICE-INITIATED TOWING, STORAGE AND IMPOUNDMENT PROCEDURES AND § 72.03 PARKING PROHIBITED IN CERTAIN PLACES:

AN ORDINANCE TO AMEND § 72.02 NONCONSENSUAL, POLICE-INITIATED TOWING, STORAGE AND IMPOUNDMENT PROCEDURES AND § 72.03 PARKING PROHIBITED IN CERTAIN PLACES TO CLARIFY THAT PERSONS MAY NOT LEGALLY PARK THEIR MOTOR VEHICLES ON CITY TRAILS

WHEREAS, our citizens using City multi-use trails have encountered problems with persons parking their motor vehicles on these trails; and

WHEREAS, it was not anticipated that persons would block multi-use trails by parking their motor vehicles upon them and so no express prohibition of this rude and disruptive behavior was originally enacted into our Parking Regulations Chapter of the Fayetteville Code, but should be enacted now.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby enacts an amendment to § 72.02 **Nonconsensual, Police-Initiated Towing, Storage and Impoundment Procedures** (A) by amending its introductory language to read as follows:

“(A) In addition to ticketing an illegally parked vehicle, the police department is hereby authorized to initiate a nonconsensual tow or otherwise remove a vehicle from a highway, street, street right-of-way, trail, trail right-of-way, city parking lot or other City owned property or right-of-way not authorized for parking, and have it towed to a storage facility within Fayetteville or within three miles of the city limits under the following circumstances:”

and amends subsection (3)’s introductory language to read:

“When any vehicle is parked illegally and left unattended upon a street, street right-of-way, trail or trail right-of-way and (a) constitutes a hazard or obstruction to the normal movement of traffic on the street or trail,...”

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends § 72.03 **Parking Prohibited in Certain Places** by enacting new subsections (O) and (P) as shown below:

“(O) On a City trail or trail right-of-way except for government vehicles on official business.

(P) In a City Park except for areas designated for parking or otherwise allowed by City staff.”

Legistar ID No.: 2016-0007

AGENDA REQUEST FORM

FOR: Council Meeting of January 19, 2016

FROM:

City Attorney Kit Williams

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO AMEND § 72.02 NONCONSENSUAL, POLICE-INITIATED TOWING, STORAGE AND IMPOUNDMENT PROCEDURES AND § 72.03 PARKING PROHIBITED IN CERTAIN PLACES TO CLARIFY THAT PERSONS MAY NOT LEGALLY PARK THEIR MOTOR VEHICLES ON CITY TRAILS

APPROVED FOR AGENDA:



City Attorney Kit Williams

Jan 5, 2016

Date



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Patti Mulford
Paralegal

TO: Mayor Jordan
City Council

CC: Don Marr, Chief of Staff
Chief Tabor

FROM: Kit Williams, City Attorney

DATE: December 31, 2015

RE: Motor Vehicles Parked On City Trails

It has come to our surprised attention that a few persons are using portions of City Multi-Use trails as parking for their motor vehicles. This is one use I doubt any of us anticipated. Attached please see a photo showing a trail partially blocked by five motor scooters. I should also note that none of these internal combustion motor powered scooters are legal for trail use and so should never be on the trail.

We understand that the apartment management has tried without success to prevent this misuse of the trail right of way. Without an express prohibition against motor vehicles being parked on City trails in the Fayetteville Code, the police cannot issue tickets or remove such improperly parked motor vehicles. Therefore, I have drafted amendments both to § 72.02 (A) **Nonconsensual, Police-Initiated Towing, Storage and Impoundment Procedures** and to § 72.03 **Parking Prohibited In Certain Places** by adding new subsections (O) and (P).

(P) actually deals with something that I do not believe is a problem now, and I hope it will never be a problem - parking in non-allowed areas of City parks. With the development of the Regional Park, the City will need tools to ensure parking remains in designated areas as authorized by City staff. This subsection provides such authority to City staff.





FAYETTEVILLE CODE OF ORDINANCES
TITLE VII TRAFFIC CODE

CHAPTER 72 PARKING REGULATIONS

ARTICLE I
GENERAL REGULATIONS

72.01 Application Of Parking
Prohibitions Or Limitations

The provisions of this chapter prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device. The provisions of this chapter imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times. The overtime parking prohibitions prescribed by this chapter shall not apply to governmental vehicles.

(Code 1965, §19-139; Ord. No. 1447, 6-7-65; Ord. No. 3350, 4-29-88)

*Cross reference(s)--Parking in public parks, §97.052.

72.02 Nonconsensual, Police-Initiated
Towing, Storage And Impoundment
Procedures

Amended

(A) In addition to ticketing an illegally parked vehicle, the police department is hereby authorized to initiate a nonconsensual tow or otherwise remove a vehicle from a highway, street, street right-of-way, or city parking lot and have it towed to a storage facility within Fayetteville or within three miles of the city limits under the following circumstances:

- (1) When any vehicle is left unattended upon any bridge, viaduct or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic.
- (2) When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.
- (3) When any vehicle is parked illegally and left unattended upon a street or street right-of-way, and
 - (a) constitutes a hazard or obstruction to the normal movement of traffic on the street,

- (b) obstructs a driveway or access to a fire hydrant,
- (c) is parked in a prohibited area or tow away zone that is so designated by a sign or other official markings, or

- (d) is parked continuously upon any street for more than seventy-two hours.

- (4) When any vehicle is parked beyond the period allowed in a city parking lot and the parking space is needed for reserved parking or a special event or if parked more than 24 continuous hours beyond the period allowed. The Mayor or mayor's designee may also order such illegally parked vehicle in a city parking lot to be towed at the vehicle owner's expense."

- (5) If a difficult to tow vehicle that cannot reasonably be towed by the property owner's normal towing company needs to be removed from a private parking lot, the parking lot owner may request the police department to initiate a nonconsensual tow. If the police officer agrees that the vehicle presents an unusual and difficult towing situation and the property owner presents facts to support a substantial need for the immediate removal of the vehicle, the police officer may initiate a nonconsensual tow using the police department's normal towing company.

- (B) Whenever the police department removes a vehicle from a street under this section and does know or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, the police department shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and the place to which such vehicle has been removed.

- (C) Whenever the police department moves a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinabove provided, and in the event the vehicle is not returned to the owner within a period of three days, written report of such removal shall be made to the state department whose duty it is to register motor vehicles. Such

Amended

FAYETTEVILLE CODE OF ORDINANCES
TITLE VII TRAFFIC CODE

notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal, the name of the garage or place where the vehicle is stored.

- (D) The owner or lessee of any vehicle towed or impounded pursuant to this section is entitled to a prompt post-deprivation hearing and all rights there under as provided in §72.58(L). The owner or lessee of any vehicle properly towed pursuant to this section shall be required to pay the towing and storage costs.

(Code 1965, §19-140; Ord. No. 1447, 6-7-65; Ord. No. 2630, 5-6-80, Code 1991, §72.02; Ord. No. 4388, 4-16-02; Ord. 5326, 6-1-10)

Cross reference--Penalty, §72.99.

72.03 Parking Prohibited In Certain Places

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

- (A) On a sidewalk.
- (B) In front of a public or private driveway.
- (C) Within an intersection.
- (D) On a crosswalk.
- (E) Within 15 feet of a fire hydrant.
- (F) Within 20 feet of a crosswalk at an intersection.
- (G) Within 30 feet upon the approach to any flashing beacon, stop sign or traffic control signals located at the side of a roadway.
- (H) Between a safety zone and the adjacent curb or within 30 feet of points of the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings.
- (I) Within 50 feet of the nearest rail of a railroad crossing.
- (J) Within 20 feet of the driveway entrance to any fire station and, on the side of the street opposite the entrance to any fire station, within 75 feet of said entrance, when properly signposted.
- (K) Alongside or opposite any street excavation obstruction when such stopping, standing or

parking would obstruct traffic.

- (L) On the roadway side of any vehicle stopped or parked at the edge of a curb or street.
- (M) Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
- (N) At any place where official signs prohibit stopping.

(Code 1965, §19-110; Ord. No. 1447, 6-7-65; Code 1991, §72.03)

Cross reference(s)--Penalty, §72.99.

State law reference(s)--Restrictions on stopping, standing, or parking generally, A.C.A. §27-51-1301; Stopping, standing, or parking prohibited in specified places, A.C.A. §27-51-1302; Stopping, standing, or parking outside of business or residence district, A.C.A. §27-51-1303.

72.04 Unattended Vehicles

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition and removing the key or, when standing upon any perceptible grade, without effectively setting the brake thereon and turning the front wheels to the curb or side of the highway.

(Code 1965, §19-109; Ord. No. 1447, 6-7-65; Code 1991, §72.04)

Cross reference(s)--Penalty, §72.99.

State law reference(s)--Unattended motor vehicles, A.C.A. §27-51-1306.

72.05 Starting A Stopped Vehicle

No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

(Code 1965, §19-112; Ord. No. 1447, 6-7-65; Code 1991, §72.05)

Cross reference(s)--Penalty, §72.99.

State law reference(s)--Starting of vehicles, A.C.A. §27-51-1308.

72.06 Method Of Parking

Pursuant to A.C.A. §27-51-1301, a vehicle parked on any street in the city shall be parked on the right-hand side of the street, headed in the direction of traffic with its right-hand wheels parallel to and within 18 inches of the curb, except where streets have been marked for angle parking, and except that, on one-way streets, vehicles may be parked on the left-hand side of the street, unless parking is prohibited on such side. In every case, a vehicle shall be parked entirely within any lines or markings on the street designating parking

Agenda Session 1/12/16

City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323



Meeting Agenda - Tentative Agenda

Tuesday, January 12, 2016

4:30 PM

City Hall Room 326

City Council Agenda Session

*Adella Gray Ward 1
Sarah Marsh Ward 1
Mark Kinion Ward 2
Matthew Petty Ward 2
Justin Tennant Ward 3
Martin W. Schoppmeyer, Jr. Ward 3
John S. La Tour Ward 4
Alan Long Ward 4*

ELECTED OFFICIALS:
*Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith*

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items:

✓ 2016-0015

PRESENTATION OF THE CITY OF FAYETTEVILLE 2016 DR.
MARTIN LUTHER KING, JR. BROTHERHOOD AWARD - KIT
WILLIAMS

✓ 2016-0002

STATE OF THE CITY - BY MAYOR LIONELD JORDAN

Agenda Additions

A. Consent:

A✓1 2016-0001

APPROVAL OF THE DECEMBER 15, 2015 AND JANUARY 5, 2016
CITY COUNCIL MEETING MINUTES

A✓2 2016-0004

PIERCE MANUFACTURING DONATION REVENUE:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE
AMOUNT OF \$500.00 REPRESENTING DONATION REVENUE
FROM PIERCE MANUFACTURING TO THE FAYETTEVILLE FIRE
DEPARTMENT FOR THE ANNUAL EMPLOYEE SERVICE AWARDS
EVENT

Attachments:

SRF SRM Donation Revenue-Pierce Manufacturing

Fire Donation BA

B. Unfinished Business:

B. 1

2015-0571**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

Attachments:15-5194 CC reports (VillasatStonebridge)

*At the December 15, 2015 City Council meeting, this ordinance was left on the
first reading. At the January 5, 2016 City Council meeting, this ordinance was
left on the second reading.*

BV2

2015-0634**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

Attachments:15-5253 CC DOCS 1City Attorney Memo - PPL 15-5253

At the January 5, 2016 City Council meeting, this ordinance was tabled.

C. New Business:

CV1

2016-0006**AMEND THE 2016 ADOPTED BUDGET:**

A RESOLUTION TO AMEND THE 2016 ADOPTED BUDGET BY
REAPPROPRIATING \$71,748,700.00 IN BONDED OR ONGOING
CAPITAL PROJECTS, OUTSTANDING OBLIGATIONS AND GRANT
FUNDED ITEMS

Attachments:2016-0006 REBUDGET PACKET.pdf

C\2

2016-0007**AMEND § 72.02 NONCONSENSUAL, POLICE-INITIATED
TOWING, STORAGE AND IMPOUNDMENT PROCEDURES AND
§ 72.03 PARKING PROHIBITED IN CERTAIN PLACES:**

AN ORDINANCE TO AMEND § 72.02 NONCONSENSUAL, POLICE-INITIATED TOWING, STORAGE AND IMPOUNDMENT PROCEDURES AND § 72.03 PARKING PROHIBITED IN CERTAIN PLACES TO CLARIFY THAT PERSONS MAY NOT LEGALLY PARK THEIR MOTOR VEHICLES ON CITY TRAILS

Attachments:Agenda Packet § 72.02 and § 72.03**D. City Council Agenda Session Presentations:****E. City Council Tour:****F. Announcements:****G. Adjournment****NOTICE TO MEMBERS OF THE AUDIENCE**

All interested persons may address the City Council on agenda items of New and Old Business. Please wait for the Mayor to request public comment and then come to the podium, give your name, address, and comments about the agenda item. Please address only the Mayor. Questions are usually answered by the Mayor, Aldermen or Staff after the public comment period is over. Please keep your comments brief and respectful. Each person is only allowed one turn at the microphone for discussion of an agenda item.

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Consent Agenda: Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If an Alderman wishes to comment upon or discuss a Consent Agenda item, that item shall be removed and considered immediately after the Consent Agenda has been voted upon.

Old business and new business.

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Courtesy and respect.

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Pre Agenda Meeting 1/6/16

City of Fayetteville, Arkansas

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City Attorney Kit Williams
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Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items:

1. 2016-0002 *1. MLK Presentation*
STATE OF THE CITY - BY MAYOR LIONELD JORDAN

Agenda Additions

A. Consent:

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