

Alderman Adella Gray
Ward 1 Position 1

Alderman Sarah Marsh
Ward 1 Position 2

Alderman Mark Kinion
Ward 2 Position 1

Alderman Matthew Petty
Ward 2 Position 2



Alderman Justin Tennant
Ward 3 Position 1

Alderman Martin W. Schoppmeyer, Jr.
Ward 3 Position 2

Alderman John La Tour
Ward 4 Position 1

Alderman Alan T. Long
Ward 4 Position 2

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

**City of Fayetteville Arkansas
City Council Meeting
February 16, 2016**

A meeting of the Fayetteville City Council was held on February 16, 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, Mark Kinion, Matthew Petty, Justin Tennant, Martin Schoppmeyer, John La Tour, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Alderman Petty arrived at 5:35 p.m.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports, and Discussion Items: None

Agenda Additions: None

Consent:

Approval of the February 2, 2016 City Council Meeting Minutes.

Approved

Mitchell, Williams, Selig, Gates & Woodyard, PLLC Amendment No. 3: A resolution to approve amendment No. 3 to the contract with Mitchell, Williams, Selig, Gates & Woodyard, PLLC in the amount of \$25,000.00 for additional legal services related to the White River water quality standards petition to the Arkansas Pollution Control and Ecology Commission, and to approve a budget adjustment.

Resolution 46-16 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 6-0. Alderman Petty and Tennant were absent during the vote.

Unfinished Business: None

Public Hearing:

Raze and Removal and Clean-up at 550 W. Skelton Street: A resolution to order the razing and removal of a dilapidated and unsafe structure and clean-up of unsanitary and unsightly conditions on property owned by U.S. Bank National Association located at 550 W. Skelton Street in the City of Fayetteville, Arkansas, and to approve a budget adjustment.

Mayor Jordan opened the Public Hearing.

David Carver, Code Compliance Division gave a brief description of the resolution.

Alderman La Tour: Have we contacted the landowner?

David Carver: Yes. We have gone through our notification process. Both notifications were sent via certified mail and came back signed.

Alderman La Tour: When you tried to call, did you speak with someone?

David Carver: We don't communicate via phone. It is strictly certified mail.

Alderman La Tour: You got your receipt back and so you know they got it.

David Carver: Yes, sir.

A discussion followed about the process of a razing project.

Alderman La Tour: How do we determine which property we are going to do this too?

David Carver: We have had a very long history of service request or complaint history on this property from citizens across the city, but mainly people in that neighborhood. The service request history goes back as far as 2010 for the property in its current condition.

City Attorney Kit Williams: You have provided City Council with many pictures showing the structure falling down. Did the Building Inspector look at this structure?

David Carver: Yes. We sent an unsafe building determination to Building Safety. Our chief building official, along with his staff, inspect the property and give us their recommendation.

City Attorney Kit Williams: What did they recommend in this case?

David Carver: They recommended razing and removal.

City Attorney Kit Williams: They thought it was an unsafe structure as these pictures clearly show?

David Carver: Yes, sir.

City Attorney Kit Williams: We need to lay a firm base for City Council and citizens to know that it isn't just complaint driven. We inspect the structures. The pictures show the structure falling down, no walls, and the roof is coming down. It is very dilapidated.

David Carver: The unsafe building determination is included in the packet of information.

Alderman Marsh: I have received a number of complaints over the years about this property. In the packet it shows the house falling down. Neighbors are concerned about safety and pollution. Thank you for your work to get this torn down and to Assistant City Attorney Blake Pennington for his diligence in tracking down the owner.

Mayor Jordan: Is the owner here?

David Carver: I don't believe so.

There was no public comment.

Mayor Jordan closed the Public Hearing.

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

Resolution 47-16 as recorded in the office of the City Clerk

Raze and Removal 1180 E. Huntsville Road: A resolution to order the razing and removal of a dilapidated and unsafe structure owned by Aaron Kendall Kirk and John Paul Keary located at 1180 E. Huntsville Road in the City of Fayetteville, Arkansas, and to approve a budget adjustment.

Mayor Jordan opened the Public Hearing.

David Carver, Code Compliance Division gave a brief description of the resolution. He stated they have had good correspondence with the owners. He believes there is a good chance they won't have to raze and remove and that the property owner will be able to handle the situation.

Beverly Kirk, Property Owner: I have never received any notices. When I tried to call, they couldn't talk to me because I wasn't an owner at that time. The property is now in my name. I'm going to take care of the building. An attorney told me that as the new owner I should be afforded the same consideration of any other property owner in terms of the timeline. I have every intention of disassembling the building. I would like time to deal with the matter.

City Attorney Kit Williams: Are you related to Aaron Kendall Kirk?

Beverly Kirk: He was my son. He passed away.

City Attorney Kit Williams: I'm sorry to hear that. He was listed as one of the co-owners and that is how you became a part owner?

Beverly Kirk: Yes. I had to buy out John Keary.

City Attorney Kit Williams: When did you purchase the property?

Beverly Kirk: Yesterday. I have someone who is going to work on the property.

Mayor Jordan: If an owner is making a good faith effort to restore the building, is there a certain amount of time you will give them?

David Carver: We are always willing to work with a citizen as long as we are going towards the same goal. Procedurally, if there is a change of ownership, we are basically back to square one.

City Attorney Kit Williams: She is entitled to due process. We should table this for a month to allow her the opportunity to work with our staff.

Justin Tennant: If we do that, then city staff before 30 days could remove the razing and removal?

City Attorney Kit Williams: That's right. It will probably come back and be reported to us that it should be dismissed.

Don Marr, Chief of Staff: Our protocol is to serve the owner of record. In order to be consistent with what we do, I would rather you table it indefinitely and let us go through the process directly

with the new owner. If it gets resolved, we don't have to have it at any meeting. If it doesn't get resolved, then we will bring it back with the proper notice to the new owner of record.

Mayor Jordan closed the Public Hearing.

Alderman Marsh moved to table the resolution indefinitely. Alderman Long seconded the motion. Upon roll call the resolution passed unanimously.

This resolution was Tabled Indefinitely

New Business:

Watershed Conservation Resource Center Task Order No. 4: A resolution to approve Task Order No. 4 with the Watershed Conservation Resource Center in the amount of \$79,500.00 for continued native vegetation establishment efforts and minor adjustments to existing restoration areas to enhance stream channel stability.

Chris Brown, City Engineer gave a brief description of the resolution.

Alderman Long: I reached out to Chris because a constituent had some concerns related to compliance through the ADEQ. Please talk about the complaints and what we have done to rectify those.

Chris Brown: We had a complaint related to our Ruppel Road project with offsite tracking due to the wet roads in the construction area and mud being tracked onto the existing Ruppel Road. We have talked to the contractor and given them specific items to correct. The contractors have been using sweepers to clean up, which is not what we want them to do. We don't want the dirt to get on there in the first place. It is a continuous process that we will work with them on.

Alderman La Tour: If we go and buy a set of tires from Sam's Club, we know what we are getting for our money. It is hard for me to understand what we get for \$79,500 of stream restoration. Help me understand what we are getting for this money.

Chris Brown: This is on an as needed basis. For example, watering the plants that have been placed as part of the stream restoration project. If we get enough rain then we wouldn't need to water them. These stream restoration projects are a natural stream restoration. There is generally no concrete involved. It is helping the stream heal itself. Those types of restorations, especially before the vegetation gets fully grown in is an integral part of maintaining the riparian area. As the vegetation grows in, the cost of maintenance will go down where you would not have to maintain it after it is fully established.

Alderman La Tour: What percentage of the \$79,500 do you think is going to go for salaries and wages?

Chris Brown stated there was a representative from the Watershed Conservation Resource Center to answer questions.

Matt Van Eps, Watershed Conservation Resource Center Associate Director: We received a Task Order approval last year to conduct this same type of maintenance. Last year we were given approval for \$62,500 and of that total amount we spent approximately \$29,000. A majority of that \$29,000 went into labor and oversight cost. This particular Task Order included carry-over of the money that was left over from last year in addition to what we would normally require to do this maintenance work. Of this Task Order, a considerable amount is going into the repair work that Chris Brown spoke about.

A discussion followed about the description of work being performed.

Alderman La Tour: How do you remove a boulder?

Matt Van Eps: We use a medium sized excavator.

Alderman La Tour: What percentage of operating budget on an annual basis comes from the City of Fayetteville?

Matt Van Eps: 20%.

Alderman La Tour: The other 80% comes from where?

Matt Van Eps: They come from grants and private foundations.

Alderman La Tour: Grants from the Federal government?

Matt Van Eps: Indirectly, yes. Through the State.

Alderman La Tour: I view this job as a duty to safeguard the purse of this city. We just raised taxes this year. The library is getting ready to ask for another tax increase. The old Firemen's Pension fund is getting ready to ask for another tax increase. We are going to spend \$79,500 to put rocks into a stream. Maybe that is important, but it seems like we need to have priorities in spending. I don't think this is a high priority.

Alderman Long requested to know Alderman Kinion's perspective, who is on the Water, Sewer, and Solid Waste Committee.

Alderman Kinion: If Alderman La Tour would attend our meetings, we have had a lot of reports on the importance of managing this to protect the water quality in Beaver Lake. The West Fork of the White River is an impaired stream. The more damage we have in the stream bed, the more sediment that we get. This gives us a higher sedimentation rate. In order to protect the quality of the water as well as the aesthetics, we have to manage the runoff. This is a sound investment that is coming from an Enterprise Fund. It is an investment in the future. For 20% of an investment in

protecting the watershed, this is a great value on the return on investment that you as a taxpayer will receive in the long run.

Mayor Jordan: I saw the stream restoration at Niokaska Creek a few years ago. The bank had eroded to where it was about six feet from people's homes. The Council took action to restore those stream banks and we saved those homes. At the Red Oak Park there was a little stream that was overdeveloped along that bank. It went from a stream to about a 24 foot wide creek that undermined part of the park. It cost us over \$400,000 to repair it. We felt if we make adjustments a little earlier, then we don't have to pay so much later.

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

Resolution 48-16 as recorded in the office of the City Clerk

Northwest Arkansas Regional Planning Commission One-Year Contract: An ordinance to waive the requirements of formal competitive bidding and approve a one-year contract with the Northwest Arkansas Regional Planning Commission in the amount of \$40,488.80 for a Stormwater Education Program for 2016.

City Attorney Kit Williams read the ordinance.

Mayor Jordan: Did you say \$40,488?

City Attorney Kit Williams: Yes.

Mayor Jordan: I had \$40,017.

City Attorney Kit Williams: What number is correct Chris? The body says \$40,488.

Chris Brown, City Engineer: The \$40,488 is correct. The agenda might have been slightly incorrect.

City Attorney Kit Williams: I will read it correctly when I read the title.

Chris Brown, City Engineer gave a brief description of the ordinance.

Alderman Kinion: We have reviewed this at the Water, Sewer, and Solid Waste Committee. We have to meet specific standards set by the ADEQ. This is a portion of meeting that standard in Phase II of their regulations. We are getting a partnership where our participation is giving us a return on investment more than if we were doing this alone, dollar for dollar. It makes sense to invest in a regional program as well as it is the best thing we can do to protect the quality of the water. It will protect our risk of defying standards that are set by the ADEQ.

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

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 unanimously.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5850 as recorded in the office of the City Clerk

Amend the Master Street Plan: A resolution to amend the Master Street Plan by reclassifying North College Avenue between Maple Street and North Street from five lane principal arterial with an 87 foot right of way to a four lane thoroughfare with a 63 foot right of way.

Andrew Garner, City Planning Director gave a brief description of the resolution. He stated the Planning Commission recommended in favor, but would like for the Transportation Consultant to continue to look at the section of road. He stated there might be potential to evaluate having a road diet and instead of going with a four lane road, you might go to a three lane road. He believes there may be some other solutions that our consultants could come up with.

Alderman Kinion: How do we need to amend this to include the recommendations of the Planning Commission?

City Attorney Kit Williams: You need to pass this to change the Master Street Plan and then the Transportation Committee can look at the other recommendations as it goes forth. This is a State Highway and anything that we would want to do would have to pass the Highway Department's approval. They certainly would have no problem with the 63 foot right of way because basically that is all we have. This is why we almost have to pass this.

Don Marr, Chief of Staff: When the City Council is brought the Transportation Master Plan contract, we can speak about those items being included. Council members that don't want it, can amend it. For those that do want it, they could vote for it.

Alderman Petty: I was grateful to see the Planning Commission attach these recommendations to it. In the second recommendation there are a couple of options that they have asked us to look at with our Transportation Consultant. What Andrew described was probably the most extreme of those options, the road diet. I think we should look at that, but there is a less drastic option, such as lane width reductions. It has tremendous bearing with regards to public safety for the street. There has been research done by more than a dozen state DOT's, not Arkansas, and also the Federal Highway Administration. The research shows that more narrow lanes than what we have today are safer and handle the same amount of traffic. There is a section of College that are ten foot wide lanes and the Highway Department has told us that we have to widen them out to 11 feet. We have studies from 14 other states that say that is less safe. If you are ready to vote yes on

this tonight, then you need to acknowledge that you are supporting the Planning Commission's recommendations. This is important for public safety of the community.

Mayor Jordan: When we meet with our Transportation Consultant, you want us to bring these topics up and let them look into it?

Alderman Petty: I think we already have. This is the way the negotiations are going with the Transportation Consultant.

Alderman La Tour: Do we have a number on what this is going to cost?

Chris Brown, City Engineer: The project that is approved through this year's Transportation Work Plan is the east side of the sidewalk project of College. It is estimated at about a million dollars. We expect to bring the west side to Council for consideration for the Transportation Work Plan next year and it would be about the same amount.

Alderman La Tour: Two million dollars to make this street improvement?

Chris Brown: Yes. Between Maple and North.

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

Resolution 49-16 as recorded in the office of the City Clerk

VAC 15-5280 (5 W. Appleby RD./WRMC Offices): An ordinance to approve VAC 15-5280 submitted by USI Consulting Engineers, Inc. for property located at 5 W. Appleby Road to vacate portions of sewer and drainage easements.

City Attorney Kit Williams read the ordinance.

Andrew Garner, City Planning Director gave a brief description of the ordinance. The Planning Commission recommends approval.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5851 as recorded in the office of the City Clerk

VAC 15-5287 (SW Corner of Persimmon & Mtn. Ranch Blvd./Park Hill Mtn. Ranch): An ordinance to approve VAC 15-5287 submitted by Jorgensen and Associates, Inc. for property located at the southwest corner of Persimmon and Mountain Ranch Boulevard to vacate portions of utility easements.

City Attorney Kit Williams read the ordinance.

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

Alderman Long: When we first visited this rezoning, one of the issues was trash service. There was an issue specifically with the turning radius with the trash vehicles being able to go in the back alley. How specifically has that been solved?

Andrew Garner: A couple of months ago they brought an amendment to City Council that changed their layout. They got rid of the alley and trash service will be provided along the street.

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.

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 unanimously.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5852 as recorded in the office of the City Clerk

VAC 16-5303 (4200 W. Mahogany Dr./Bradford): An ordinance to approve VAC 16-5303 submitted by Reid and Associates, Inc. for property located at 4200 West Mahogany to vacate a portion of utility easement.

City Attorney Kit Williams read the ordinance.

Andrew Garner, City Planning Director gave a brief description of the ordinance. The Planning Commission and staff recommend approval.

A discussion followed about homes being built in an easement and not properly staking property lines.

Alderman Gray: Is there something we should be doing as a city to keep this from happening?

Andrew Garner: Over the years you have probably seen less and less of these. We have caught some of these on the front end. We have been improving our inspection process. It is up to the builder to locate the property lines and easements properly.

Alderman Marsh moved to suspend the rules and go to the second reading. Alderman La Tour seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Marsh moved to suspend the rules and go to the third and final reading. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5853 as recorded in the office of the City Clerk

RZN 15-5240 (2514 W. Lori Rd./Razorback Golf Course): An ordinance to rezone that property described in Rezoning Petition RZN 15-5240 for approximately 128 acres located at 2514 West Lori Road from R-A, Residential-Agricultural; RSF-1, Residential Single Family one unit per acre; and RSF-4, Residential Single Family, 4 units per acre to R-A, Residential-Agricultural; RMF-24, Residential Multi-Family, 24 units per acre; NC, Neighborhood Conservation; and NS, Neighborhood Services, subject to a Bill of Assurance.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: The Planning Commission recommended against RMF-24. The burden is upon the applicant to win by five affirmative votes for any rezoning. This is the applicant's last request, including their Bill of Assurance. Doesn't mean it can't be amended sometime in the future or handled without any amendment.

Andrew Garner, City Planning Director gave a brief description of the ordinance. The Planning staff feels that the zoning is compatible with the surrounding residential properties. He stated the proposal to rezone the Clabber Creek floodplain to R-A along with the Bill of Assurance would be in line with the city's goals to create an enduring green network. Staff recommends approval.

The Planning Commission voted denial on the Multi-Family, but they were comfortable on the remainder of the proposal.

Alderman La Tour: Is there other property in the neighborhood that is zoned RMF-24?

Andrew Garner: If you look further to the south of this property, there are some RMF properties.

Ron Caviness, Razorback Park Golf Course Owner: The sale of this property is contingent on the rezoning in accordance with what the Lindsey Group would like to have it, to be able to build what they need to make it work. This should be an all or nothing vote as far as the rezoning goes, because without the apartments the green space doesn't work.

Hugh Jarrett, Representing the Applicant: There are several issues that we had to deal with the Planning Commission throughout the process. I would like to request permission to display a PowerPoint presentation.

City Attorney Kit Williams: The applicant is allowed to do a PowerPoint presentation.

Hugh Jarrett: After seven meetings with the neighbors and three Planning Commission meetings we have made many changes. The one thing that has remained constant is the Multi-Family aspect. We are an apartment company and that is a part of what we do. Other than the Multi-Family aspect, we have done basically everything the Planning Commission and staff has asked us to do. The R-A along the north is the Bill of Assurance that we sent in. It is about 41 acres of parkland, conservation land, and green space. In the Bill of Assurance we included that we will cap the number of residential units on the 128 acres, which is 730 residential units. If you have 300 houses in the NC, then you could have no more than 480 apartments. If the houses go really well, we could reduce the acreages. When we came in with the Bill of Assurance to do the park along the north, we have gotten substantial support from the neighbors to the north in favor of this proposal.

In regards to the problems with flooding on the east side. It is not the golf course that creates the flooding issue. On the west side the water is coming under the road and the floodplain is doing what it should do. The flooding that people talk about is all to the east of Deane Solomon. There is nothing we can do on the Razorback Golf Course property that solves the flooding created on the east side of the road. When the Single-Family portion of this develops, we are willing to pay up to \$150,000 to the city so the city can address this problem and fix the flooding in this area.

In regards to schools being overcrowded. There are 9,503 kids in the Fayetteville Public Schools. The census says there are 36,188 housing units in the City of Fayetteville. After all calculations are done there is a total of 117 school kids and so we have less with our proposal than if the entire site was RSF-4.

Every road in Fayetteville has more traffic than Deane Solomon. We will be adding about 5,300 trips per day to Deane Solomon. It leaves it at a total with existing traffic of 7,300 trips per day. To compare that with what we are dealing with in Fayetteville right now, Mission Boulevard is 16,000 trips per day. Traffic at this site is not an issue.

There is a big misconception about apartments and crime. When statistics are calculated, our apartments are six times safer than the city in general. Everybody who lives with us has to go through a background check. If they have a felony or sexually related misdemeanor on their record, they don't live with us. Fayetteville needs apartments. Right now in Fayetteville, apartments are 99.61% occupied.

Alderman Tennant: Is there Razorback transit stops anywhere close?

Hugh Jarrett: You have to request it. They won't deal with your request until you have your development done. We will try to get on the transit.

Alderman Tennant: You have a process in place?

Hugh Jarrett: Yes.

Alderman Long: I've been working with some citizens gathering public input. I would like to make a motion to suspend our rules so that a presentation can be made to save time and be more organized.

City Attorney Kit Williams explained the process of presentations being made.

Alderman Long moved to amend the agenda and add a presentation to the agenda. Alderman La Tour seconded the motion. Upon roll call the motion passed unanimously.

Don Marr, Chief of Staff clarified some numbers about crime that Mr. Jarrett used in his presentation about the actual numbers for police calls.

John Bull, Floral Court: I worked with a group of residents to organize this presentation. I will be representing 93 households who have asked me to speak on their behalf. Based on the new update to the Bill of Assurance, the numbers will be a little bit off. We would like you to try to make a logical decision if this proposal is what's best for the City of Fayetteville. We have over 1,041 people who have signed our online petition and 820 on our Facebook page who do not believe this fits.

We have nothing against the Lindsey Company. We are not against development on this course, but we want it to be responsible development. Aside from the cap of units in the Bill of Assurance, we don't believe that the R-A section provides any tangible benefits to the residents. The area that is being given is constantly flooded. The area should remain wetlands and green space. Deane Solomon is the only access to this property. There is only one way in and out.

I was told by a Planning Commissioner that the City Attorney would say, that a rezoning action is all about a determination of compatibility. Compatibility isn't a question of similarity, but if the two areas are capable of existing together in harmony. As residents, our concerns are the lack of capable infrastructure, flood concerns, environmental impact, crime, and adjacent zoning.

Alderman Marsh: You listed 93 households that you are representing. I know a couple of people and was able to check in with them. I see one household representative that is multiple. I confirmed with one person who's listed on this that they don't endorse these decisions. I see the name of another person who is deceased, as of last year. How did you get these 93 households and do they know you are representing them?

John Bull: Yes. We have a Facebook page that has about 820 followers. We requested anyone who would like me to speak on their behalf to post. The only exception to this was, The Pines. Their P.O.A. reached out and asked if anyone had a problem endorsing it. I don't know that anyone said no.

Alderman Long: Have you reached out to people through your Go Fund Me page?

John Bull: Yes. We raised a significant amount of money. Two names were removed from this list before I published it today. Six or seven new ones were added today.

Mayor Jordan: You've got over 1,000 people to sign your petition?

John Bull: About 1,041 signatures are on our petition.

Alderman Long: They said there wasn't substantial flooding on the golf course. We have seen flooding on the golf course. We talked about the environmental sensitivity in the area. What do you think more rooftops in the area are going to do?

John Bull: There was a lot of discussion at the Planning Commission about what this would mean for the runoff. There will be larger parking lots and rooftops. The runoff is much faster with a Multi-Family development than Single-Family.

A discussion followed about if the property was turned into Neighborhood Conservation it would be 450 units.

Alderman La Tour: What bothers me about your proposal is imposition of what I want on somebody else. What rubs me the wrong way is when someone wants to impose their will on somebody else. When government regulation expands, personal liberty recedes. We are taking away freedom of choice of the owner of Razorback Golf Course. I know Lindsey can't build apartments wherever he pleases. I am for freedom of people to make choices for themselves.

John Bull: You will probably find citizens that don't want anything there. We all understand that something is going to be there. We understand that Mr. Caviness has the right to sell his land. We want it to be done responsibly and safely.

Alderman La Tour: When I hear responsible development, it usually ends up being no development. We can put so many regulations on the development that nobody in his right mind is going to do it. I am concerned with the individual. Responsible development can mean a lot of things, but many times that is code for something else which concerns me.

Alderman Kinion: I appreciate what you and the other person have brought to us. It is good information. When speaking about responsible development, we can't talk about Lindsey or a specific project. What we are talking about is density and the zoning of property. This is not a Planned Zoning District. This is not a guaranteed development. Zoning is a huge responsibility. Fayetteville has unique challenges of hills, valleys, basins, wetlands and that is what we have to look at when moving forward in this discussion.

John Bull: Do you feel I addressed development more than the zoning?

Alderman Kinion: I'm saying in general.

Robert Rhoads, Law Firm of Hall Estill stated he was representing four neighborhood Property Owners Associations. He read a letter from Terri Lane, Executive Director of the Northwest Arkansas Land Trust. Ms. Lane requested that the City Council consider the important opportunity to find a win-win between a profitable and attractive built environment and the needs and role of the unique natural environment as well. Whatever development ultimately occurs on this site must certainly go above and beyond in considering a low density, low-impact design, and the preservation of habitat.

John Calhoun, Raven Lane stated Deane Solomon is a tiny farm road and can't handle the massive traffic that would be caused by rezoning. He stated citizens are not against development. He would like the development to be fiscally responsible and consider safety.

Carter Clark, Real Estate Broker Representative for Mr. Caviness spoke about making the property developable due to the terrain and floodplain. He spoke about drainage on the golf course. He spoke in favor of the ordinance.

Aubrey Shepherd spoke about drainage in the area. He stated he can't agree with anybody that says it is somebody's right to build something that will damage other adjacent property. He believes that low impact development would be best.

Brian Sorensen, 2882 Purple Phlox stated he liked the green space proposed. He spoke about the traffic issues that will be on Deane Solomon with the development. He doesn't believe student housing is harmonious with his neighborhood. He spoke in opposition of the ordinance.

Mayor Jordan: Mr. Rhoads, I believe you represent a group of folks.

Robert Rhoads: I do Mayor. Everything I was going to say has been said. Thank you.

Alderman La Tour: I am voting no on this proposal, but Mr. Jarrett's arguments prevailed. I am voting no for one reason. I told some lady I would vote against the apartments. I regret making that statement, but I will keep my word. Many of the arguments made tonight are emotional and not factual.

Alderman Long: If we aren't ready to vote tonight, then I would like to bring this up at the Ward 4 meeting for further discussion. I have had constituents reach out to me to say they don't want it.

I most likely will not be supporting this. There is a lot of flooding on the golf course. The RMF-24 portion would increase the amount of concrete for parking and would see a lot more runoff. We should look at the crime and apartment data more closely too. I would like to hold this.

Alderman Tennant: When is the Ward 4 meeting?

Alderman Long: February 29, 2016.

Alderman Gray: I always listen carefully to our staff. They are recommending this. Andrew, how can you respond to these problems?

Andrew Garner, City Planning Director: We feel that it is compatible. On a rezoning, we ask Council to decide if it is compatible from a land use standpoint. Some of the comments related to flooding, drainage and traffic are more development related. We have development codes and rules that will address those when the development comes through. In our opinion, compatibility doesn't mean it has to be the same type of building or home. Introducing housing and Multi-Family housing adjacent to Single-Family housing is appropriate in this particular case.

Alderman Marsh: I would like to clear up some assumptions that this is a Single-Family neighborhood. There are fourplexes across the street. The entire Pines development are fourplexes. It is disingenuous for us to be thinking of this as a Single-Family neighborhood.

Alderman Long: The Pines is a very small development in comparison to the Links. It has a very residential Single-Family feel to it if you drive through the neighborhood.

Alderman Marsh: I get the impression that we are talking about apartments as places where poor people live versus the Single-Family homes. I hear these concerns about crime and that somehow by introducing Multi-Family housing we are making this neighborhood less safe. We have a lot of development on the west side that employs low wage workers. Where are those people supposed to live? This is an area that is connected to the trail and people can commute to their jobs. It is close to an elementary school which enables kids to walk to school. We have to get over this bias of Single-Family homes versus apartments. Not everyone can afford to live in a Single-Family home.

The drainage concerns are valid, but we have our Drainage Criteria Manual which would apply. We have standards that deal with stormwater and traffic. If we are just looking at the rezoning and the neighborhood compatibility, then I agree with the Planning staff that this is compatible.

Alderman Long stated he didn't hear anyone reference economic or income status related to apartments. He spoke about the Drainage Criteria Manual. He believes it is not a walkable area.

Alderman Marsh stated it is not walkable, but is bikeable. She spoke about watershed and infrastructure conditions.

Mayor Jordan: We can leave it here for two weeks.

Don Marr, Chief of Staff stated that Council Chambers would be renovated for the month of March. He announced that the March 1, 2016 City Council meeting would be at the Ray Adams Leadership Center. The March 15, 2016 meeting will be at the Washington County Quorum Court building.

This ordinance was left on the First Reading

Amend §72.58 Off-Street Parking Facilities; Rules and Rates: An ordinance to Amend §72.58 **Off-Street Parking Facilities; Rules and Rates** (M) to limit the Mayor's authority to assign any city owned paid parking lots or on-street paid parking spaces within the Entertainment District or the closure of city streets for the use of a permitted special event to not more than two (2) days per year without express approval of the City Council.

City Attorney Kit Williams read the ordinance.

Alderman Marsh gave a brief description of the ordinance. She believes that public input should be welcomed on events and tourism policies. She stated the ordinance was initiated by local business owner Cary Arsaga.

Cary Arsaga: I got over 800 signatures on a petition for the ordinance to be heard by City Council. After being in business over 25 years in Fayetteville there is a misunderstanding on how major events affect the city. There is a common belief that if you bring more people in to the city that it helps all businesses, but that is not the case. I would like for there to be a public forum so that small businesses can come forward and let you know how it affects them.

Mayor Jordan asked Peter Nierengarten to give his report on parking.

Peter Nierengarten, Sustainability & Resilience Director gave a brief description of the existing special events permit process.

Don Marr, Chief of Staff: Alderman Tennant sent an email requesting to know if the city provided approvals for multi-day festivals for multiple years or does it do it each calendar year. The answer is that we do it each calendar year. We do not give advance approvals. Our largest festival, Bikes, Blues and Barbeque has not submitted an application for 2016 yet. We will receive that typically around June or July. We have one application pending that is for multiple days and it is from the Walton Arts Center. It is for a planned event for the reopening of the center after construction.

The final sign offs are by the Mayor. Street closures can be done by the Police Chief for public safety reasons without the Mayor's approval or it can be done by the Mayor for the event. The parking lot approvals are done by the Mayor as part of the ordinance for the 16 allowed days.

Peter Nierengarten: In 2015, the Parking Division facilitated 71 event approvals. As of today, we have 23 event applications for 2016.

Alderman Marsh: Are those multi-day events that would be affected by this ordinance?

Peter Nierengarten: No. Those are total events.

Alderman Marsh: On average how many multi-day events would be affected by this ordinance each year?

Peter Nierengarten: Since 2013, one event in 2013, one event in 2014, two events in 2015. So far this year we have one event application.

Alderman Tennant: Thank you to city staff for this information. It is important to know the process that is in place if we are going to make a decision to change it. There are multiple staff members that put in a lot of time on these events before they are brought to a final recommendation for the Mayor to sign off. Is there an average timeframe that each division spends time preparing?

Don Marr, Chief of Staff: It depends on the size of the event. The events that we are talking about, the Police Department is probably the most time consuming impact. They deal with the noise ordinance variance, access for ingress and egress, and request for street closures. They have a Special Events Coordinator at the Police Department that works with the event organizer. There are other single day events that could be time consuming such as a marathon.

Alderman Tennant: These events are fully vetted. These are not just somebody filling out a piece of paper and somebody rubber stamps them. There is a lot of city time put into this and there should be.

Alderman Marsh: At what point in the event application process is public input solicited?

Peter Nierengarten: There is no formal request for public input as part of the process. When we do receive any public input on particular events, we help facilitate that dialogue between the event applicant and public. Typically we have good luck with that process.

Alderman Marsh believes public input should be put into the process. She discussed sustainable tourism.

Alderman Tennant: It is one thing to say that we need a public input session, but why take it to another step that the Council needs to give permission as opposed to having public input and leaving it in the same decision making capability?

Alderman Marsh: We are the people's elected representatives. By bringing this to Council it provides the input session and allows us to respond to that feedback.

Alderman Long: I would like to take the information staff has presented and the ordinance that Alderman Marsh has presented and think it about for the next two weeks.

A discussion followed about leaving it on the First Reading.

Rene Hunt, Dickson Street Business Owner spoke in favor of the ordinance.

Joe Fennel, President of the Dickson Street Merchant Association spoke in opposition of the ordinance.

Alderman Kinion: Joe, do you think this would have an effect on potential activity? Do you think people would not want to consider Fayetteville in the future because of this additional burden?

Joe Fennel: No, I don't want to insinuate that.

Alderman Kinion: What is the bottom line of the argument?

Joe Fennel: This proposed amendment is structured strategically against one festival. It has nothing to do with any other festival. If we run off Bikes, Blues & Barbeque, it will go to Springdale, Rogers or Bentonville. All those bikers are still going to come to Dickson Street.

A discussion followed about keeping tax dollars in Fayetteville.

Alderman Marsh: I don't see this as a way to stop festivals, but to improve festivals.

Ben Harrison, Citizen: Is it possible to have the public input session, but still leave it up to staff to make the decision instead of City Council?

City Attorney Kit Williams: This is up to the City Council on what they want to do. There can always be amendments to this proposed amendment.

Ben Harrison: That would be amicable for both sides to not give all the power to the City Council, but allow for public input.

Kenneth Morton, Local Attorney: If this event got moved to another city, you will still have the same situation on Dickson Street. We pay the overtime for the police department for Bikes, Blues, and Barbeque. If this is moved the city is going to have to pay for overtime for police and fire for crowd control. The event will go on, but we can't do it on two days. We have given around \$1.5 million to local charities. We would like to keep the event in Fayetteville.

Tom Overbey, 211 North Block believes there should be a procedure for public input and spoke in favor of the ordinance.

Mayor Jordan: I assume we are going to hold this for two weeks.

Don Marr, Chief of Staff: I would like to clarify some information. The Roots Festival, Joe Martin and Lights of the Ozarks would have been items if this ordinance wasn't restricted to the Entertainment District, which is how it is written currently. Roots Festival is occurring on East Street, Joe Martin is both Downtown and the Entertainment District. Lights of the Ozarks is on the square. The way it is currently written, those would not fall under the scope of this ordinance.

Mayor Jordan: What is the only one that would?

City Attorney Kit Williams: There are two now.

Mayor Jordan: The Walton Arts Center and Bikes, Blues & Barbeque.

Don Marr, Chief of Staff: We have had events such as the LPGA that closed for 2.5 days for set up. The actual event occurred one day. This is not unprecedented in that area. Staff tries to give the best and most accurate information. It wasn't until we realized that it was restricted to the Entertainment District that those other events were excluded.

Alderman Marsh: I would like to work with our City Attorney to develop an amendment to make sure that this applies to our entire city, not just our Entertainment District, in order to be fair.

City Attorney Kit Williams: You want to make this city wide?

Alderman Marsh: Yes.

A discussion followed about amending the ordinance.

Alderman Marsh: We need an event review process before events get so large that we are powerless to have control over them.

This ordinance was left on the First Reading

Announcements:

Don Marr, Chief of Staff: The City of Fayetteville and Washington County have issued a burn ban due to the conditions.

The City Board of Health is relaying a flu advisory from the Centers for Disease Control.

The City Council Chambers will be renovated for the month of March. The March 1, 2016 City Council meeting will be at the Ray Adams Leadership Center. The March 15, 2016 meeting will be at the Washington County Quorum Court building.

Alderman Long: There will be a Ward 4 meeting on February 29, 2016 at 6:00 p.m. in Room 111 at City Hall.

City Council Agenda Session Presentations:

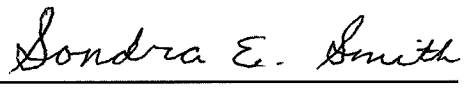
Agenda Session Presentation: Airport update by Johnny Roscoe, Airport Director.

Agenda Session Presentation: Quarterly Economic Development Presentation, Chung Tan.

City Council Tour: None

Adjournment: 9:07 p.m.


Lioneld Jordan, Mayor


Sondra E. Smith, City Clerk Treasurer