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
March 15, 2016

A meeting of the Fayetteville City Council was held on March 15, 2016 at 5:30 p.m. at the Washington County Courthouse-Quorum Courtroom located at 208 North College Avenue, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

PRESENT: Alderman 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.

ABSENT: Alderman Adella Gray

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports, and Discussion Items:

Nominating Committee Report:

Alderman Kinion presented the Nominating Committee report and recommended the appointments as submitted.

A copy of the report is attached.

Alderman Marsh: I have some concerns about one of the appointments to the Planning Commission. We were unable to interview this individual. I am concerned about the precedent it will set. It is a very important committee and it is essential that we conduct interviews. There were some issues with the individual's application which we should have the opportunity to ask questions about in an interview. I would be concerned about the potential for someone to dispute a Planning Commission decision based on the fact that one member could be alleged to be improperly nominated. I would like to pull the nomination for one of the Planning Commissioners until we have an opportunity to interview in person, both candidates that had submitted for the position. The nominee was Leslie Belden.

City Attorney Kit Williams explained the proper procedure of amending the current motion on the floor.

Alderman Petty: I would like to hear a response from the chair.

Alderman Kinion: We reviewed all the applications. We have the opportunity to vet individuals based on their application. That's why this was nominated. There were three of us and the vote was 2-1. I have no problem in honoring Alderman Marsh's recommendation.

Alderman Petty: If the chair doesn't have a problem with it, I'll second it.

Alderman Tennant: You want everyone interviewed again or that one person interviewed?

Alderman Marsh: I would like the two remaining candidates who applied to come in for interviews. One of the other candidates we did a phone interview with because he was traveling. The other one did not come in for an interview at all.

Alderman Tennant: Alderman Kinion, you don't have a problem with scheduling some time for those two people?

Alderman Kinion: I have no problem with that and would support it.

Alderman Long: I won't be supporting this. We debated and took a vote at the Nominating Committee meeting. The applicant that we didn't get to interview at this meeting is well known in the community.

Don Marr, Chief of Staff: The appointment of commissioners will need to be in place by March 31, 2016 or we will be short one commissioner. The terms end March 31, 2016.

A discussion followed about a having a special City Council meeting.

Alderman Marsh moved to amend the Nominating Committee report to remove Belden from the Planning Commission appointments. Alderman Petty seconded the motion. Upon roll call the motion failed 3-4. Alderman Kinion, Petty and Marsh voting yes. Alderman Tennant, Schoppmeyer, La Tour and Long voting no. Alderman Gray was absent.

Alderman Kinion moved to approve the Nominating Committee Report as read. Alderman Long seconded the motion. Upon roll call the motion passed 5-2. Alderman Kinion, Petty, Tennant, Schoppmeyer and Long voting yes. Alderman La Tour and Marsh voting no. Alderman Gray was absent.

Agenda Additions: None

Consent:

Approval of the March 1, 2016 City Council Meeting Minutes.

Approved

Ricoh USA, Inc.: A resolution to approve the purchase of professional digital imaging services from Ricoh USA, Inc. through its local vendor, Preferred Office Products, Inc., in varying amounts as needed through June 30, 2016 and any future renewal periods, pursuant to a U.S. Communities Government Purchasing Alliance cooperative purchasing agreement.

Resolution 57-16 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 $11,318.00 and increasing the related expense budget.

Resolution 58-16 as recorded in the office of the City Clerk

Carahsoft Technology Corporation: A resolution to approve the purchase of three (3) Nimble Storage expansion shelves and a five (5) year hardware maintenance contract from Carahsoft Technology Corporation in the amount of $246,677.91 plus applicable taxes, pursuant to a General Services Administration Federal Acquisition Service cooperative purchasing contract.

Resolution 59-16 as recorded in the office of the City Clerk

City of Greenland Two Year Extension Agreement: A resolution to approve a two year extension of the agreement between the City of Fayetteville and the City of Greenland regarding the provision of wastewater collection services in the City of Greenland.

Resolution 60-16 as recorded in the office of the City Clerk

Watermark at Fayetteville AR, LLC: A resolution to approve a cost share agreement with Watermark at Fayetteville AR, LLC in an amount not to exceed $43,241.00 for a sewer main upgrade near Van Asche Drive and Steele Boulevard.

Resolution 61-16 as recorded in the office of the City Clerk

Northwest Arkansas Economic Development District, Inc. Grant: A resolution to authorize acceptance of a General Improvement Fund grant through the Northwest Arkansas Economic Development District, Inc. in the amount of $9,198.00 for the construction of a garden shelter for the Yvonne Richardson Community Center's Kid Crops program, and to approve a budget adjustment.

Resolution 62-16 as recorded in the office of the City Clerk

Sourcegas Arkansas, Inc. Utility Work Agreement: A resolution to approve a utility work agreement with Sourcegas Arkansas, Inc. in an amount not to exceed $167,231.78 for the relocation of two gas lines necessary for the extension of Rupple Road from Martin Luther King, Jr. Boulevard to Persimmon Street, and to approve a project contingency in the amount of $25,084.00.

Resolution 63-16 as recorded in the office of the City Clerk

RFQ #15-04 Burns & McDonnell Engineering Company, Inc.: A resolution to award RFQ #15-04 and authorize a contract with Burns & McDonnell Engineering Company, Inc. in an amount not to exceed $557,695.00 for engineering services associated with the Sain Street extension from North Front Street to Vantage Boulevard, and to approve a budget adjustment.

Resolution 64-16 as recorded in the office of the City Clerk

Garver, LLC Supplemental Agreement No. 1: A resolution to approve Supplemental Agreement No. 1 to the contract with Garver, LLC in an amount not to exceed $455,066.00 for additional archeological testing and mitigation services associated with the design of a portion of Rupple Road between west Starry Night View and West Mount Comfort Road, and to approve a budget adjustment.

Resolution 65-16 as recorded in the office of the City Clerk

Arkansas Highway and Transportation Department Federal-Aid Funds: A resolution to approve two budget adjustments recognizing federal-aid funds received from the Arkansas Highway and Transportation Department in the amount of $48,928.00 for the Highway 45/Old Wire Road Signal and Intersection Project.

Resolution 66-16 as recorded in the office of the City Clerk

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

Unfinished Business: None

Public Hearing:

Fayetteville Public Facilities Board: A resolution ratifying the resolution of the Fayetteville Public Facilities Board approving a refunding and improvement revenue bond (Butterfield Trail Village project), Series 2016 in a principal amount of not to exceed $17,450,000; and prescribing other matters pertaining thereto.

Mayor Jordan opened the Public Hearing.

Paul Becker, Chief Financial Officer gave a brief description of the resolution.

Jim McCord, Attorney: The Public Facilities Board approved a request by Butterfield Trail Village to authorize the issuance of $17,450,000 in revenue bonds. Approximately $3.6 million would be used for new improvements and new facilities at Butterfield Trail Village. The remainder would be used to refund outstanding bonds that were issued in 2010 and save about three quarters of a percentage point in interest.

Quintin Trammell, President and CEO of Butterfield Trail Village: At Butterfield Trail Village we are a continuing care retirement community. We provide independent living, assisted living, healthcare, and a memory care Alzheimer's unit. We have three projects on our drawing board and two have already started. We have an extensive remodel of our healthcare unit, remodeling and updating of our main corridors of our independent living unit facility, and to add a $17,000 wing addition to the front of Butterfield Trail Village. This would give us a new covered entry for residents to exit or enter their cars without getting in the weather. It would provide a new lobby, casual dining facility, large group meeting room, dedicated board room, larger general store, and a smaller group meeting room. The cost of these projects is $10.6 million. We have $7 million in cash available from various sources. We need the $3.6 million from this bond issue to complete the projects.

Mayor Jordan closed the Public Hearing.

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

Resolution 67-16 as recorded in the office of the City Clerk

New Business:

RFQ #15-08 Nelson/Nygaard Consulting Associates, Inc.: A resolution to award RFQ #15-08 and authorize a contract with Nelson/Nygaard Consulting Associates, Inc. in the amount of $584,978.00 for the development of a Transportation Master Plan and Downtown/Entertainment District Parking and Mobility report, to approve a project contingency in the amount of $14,740.00, and to approve a budget adjustment.

Chris Brown, City Engineer gave a brief description of the resolution. He stated a lot of time was given in selecting Nelson/Nygaard and feels confident that it is a good team. He stated staff and the Transportation Committee recommends approval.

Alderman La Tour: Who designed our current transportation model?

Chris Brown, City Engineer: We had a Transportation Master Plan done in 2003 and that has been the basis for a lot of the decisions that have been made for the last 12 years. There is not a single answer to your question. The Cross Section Plan and the Master Street Plan are in the City Plan 2030, which was originally developed by a consultant, but updated by staff.

Alderman La Tour: Would we expect the study to show deficiencies in our existing infrastructure?

Chris Brown, City Engineer: Absolutely.

Alderman La Tour: How much did we pay for the original plan that we are under right now?

Chris Brown, City Engineer: The plan that was done in 2003 was in the range of $200,000. It has been a very successful plan. It became the basis for our bond program. The work that we have done over the past ten years through the Transportation Bond Program has come out of that plan. It has served us well. These things need to be updated and it is now time to do that.

Alderman Long: I like that the study includes the consultants teaching our staff how to conduct the field surveys on parking utilization and accumulation. This will be a more sustainable approach.

Alderman Tennant: I like that the same people that are doing the University of Arkansas study are doing this one because we cross so many intersections in areas of town. We have so many growth patterns that are changing all over the area. Mayor, you were on the Council when the last transportation study was done. Do you think that was a good use of our dollars then and the same usefulness would come out of this one?

Mayor Jordan: I do. I remember spending around $250,000. We took that very plan and we developed our bond program in 2006. The plan is 13 years old. We need to go forward with a new plan, new objectives, and one of those is the parking plan. We got a good bang for our buck with that plan.

Alderman Tennant: If you think it was a good use then, I think it would be a good use now.

Mayor Jordan: It would give us a tool. It went through the Transportation Committee and you all were pleased with it.

Alderman Petty: It has been through a few times and has had support each time.

Bob Munger, Owner of SUMO, Sustainable Urban Mobility: Fayetteville is behind in car sharing. The transportation industry is changing rapidly. People are driving less. It is a good time to do a detailed transportation study.

Alderman Marsh: This is a transportation plan. This is not a study and it's not just about cars. This is about how we as a city are going to grow. It will address our cycling, more active modes of transportation, and hopefully emphasizing how we can revitalize some of our main street corridors and be more efficient with our transportation dollars. This is a great direction we are going in and I strongly support this plan.

Alderman Petty: We have over 2,800 acres of streets. That is half of our public space. Everything we have when it comes to planning for our streets is obsolete. Thank you to the other members of the Transportation Committee who first supported this two years ago and have been patient as we have navigated the RFP to get Nelson/Nygaard. We are going to get some valuable evaluation tools that we can use to compare various projects even after this plan has been presented to us and adopted. Unlike with our previous planning tools or with our Master Plan we will come away with the tools we need to be able to adapt to changing technologies, demographics, and market trends. The value of that is really hard to quantify. It would be tremendously valuable to us. The transportation industry has had rapid change in the last 13 years. Transportation investment drives real estate investment. Nelson/Nygaard is fast obtaining a reputation of being one of the best transportation planners on the planet. I hope we see a plan in 15 months that reflects that and I am confident that we will.

Alderman La Tour: I have concerns about spending half a million dollars of our taxpayers money. There is a situation where thousands of people on football game days share the street with automobiles. I can't get this City Council to agree to build a sidewalk there. We don't have to spend $500,000 to figure that out. Until we correct some basic element of public safety, I'd say let's have priorities. We need to get that rectified and then go on with our century plan.

Alderman Marsh moved to approve the resolution. Alderman Petty seconded the motion. Upon roll call the resolution passed 6-1. Alderman Kinion, Petty Tennant, Schoppmeyer, Long and Marsh voting yes. Alderman La Tour voting no. Alderman Gray was absent.

Resolution 68-16 as recorded in the office of the City Clerk

RZN 16-5310: (1564 E. Huntsville Rd./Zweig Properties): An ordinance to rezone that property described in Rezoning Petition RZN 16-5310 for approximately 0.46 acres located at 1564 East Huntsville Road from RSF-4, Residential Single Family, 4 Units Per Acre to CS, Community Services.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is recommending approval. The Planning Commission voted 9-0 in favor of the request.

Alderman Long: Usually there is a map attached with the larger picture of that quadrant of our city. This agenda item doesn't have that. Can we make sure those are there in the future?

Jeremy Pate: Yes, definitely.

Alderman La Tour gave a brief description of a conference he attended called Growing the City and asked Jeremy, if the developer was asking for this zoning change?

Jeremy Pate: That is correct.

Alderman La Tour stated he was in favor of the rezoning.

Alan Reed, Representing Mark Zweig Properties stated he concurs with staff.

Alderman Petty: I am going to vote for this, but I do it with one reservation. We see a lot of stuff out on the edges of town that gets rezoned Community Services and I voted for them virtually every time. Given the zoning designations we have, that is usually the best designation. This time I think that Community Services is probably a little bit of over zoning for the parcels in question. I would be able to vote for Downtown General on this location without any reservation, except it's got the word Downtown in it. We need to have some type of middle scale intensity for these requests for the outside of the town. It will bring projects like this into compliance so they don't run the risk of diluting the market by over zoning parcels where there may not be a demand for the kind of intensity they allow.

Alderman Petty moved to suspend the rules and go to the second reading. Alderman Long seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Alderman Petty 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 Gray was absent.

City Attorney Kit Williams read the ordinance.

Alderman Marsh: I have not received any comments one way or the other from citizens in this area regarding the proposed rezoning. This property has been underutilized for quite some time and I look forward to seeing something new happen here.

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

Ordinance 5858 as recorded in the office of the City Clerk

ADM 16-5319 (UDC Chapters 166,172,177 Amendments): An ordinance to Amend §166.24 **Nonresidential Design standards**, §172.04 **Parking Lot Design Standards**, §177.04 **Site Development and Parking Lot Landscape Standards** and §177.05 **Street Tree Planting Standards** of the Unified Development Code.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. He stated this is to clarify some of the codes that are in place such as street tree and green space requirements. Staff and the Planning Commission recommend approval.

Alderman Petty stated this is primarily a clarification.

Alderman La Tour: Are we giving more latitude for these design standards or are we tightening up and making them more restrictive?

Jeremy Pate stated that they are definitely tightening up the language so it can be understood more. He spoke about some things being relaxed and gave an example of perimeter landscaping and the elimination of green space in front of a building.

Alderman La Tour: Could you give me an example of where it might be making the regulations more restrictive?

Alderman Petty: Jeremy, you are going to be looking for a while. I don't think there are any.

Jeremy Pate: I'm not sure there is any specifically. The purpose of this was not to do that. The purpose was to provide more predictability and to clarify our standards as they are today.

Alderman Long moved to suspend the rules and go to the second reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Petty thanked staff for their work on the item.

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

Ordinance 5859 as recorded in the office of the City Clerk

Amend §97.082 (B), §94.05 (D) and to Enact a New §94.05 (G): An ordinance to Amend §97.082 (B), § 94.05 (D) and to enact a new §94.05 (G) of the Fayetteville Code to authorize the Mayor to issue a public fireworks display permit for an annual display by the Botanical Garden of the Ozarks at Lake Fayetteville.

City Attorney Kit Williams read the ordinance.

Alderman Tennant gave a brief description of the ordinance.

Danica Dingman, Event Coordinator for the Botanical Garden of the Ozarks: The Firefly Flings serves 3,000 guest. We community partner with local businesses to put educational booths together and help promote things going on in the community. Every year we try to end with something beautiful. We would like to have a brief fireworks display and it wouldn't be a 4th of July type display. We would use people who have permits to do these types of fireworks and make it safe.

City Attorney Kit Williams: This is going to be handled with a Special Events Permit. The Mayor and the Fire Chief will check it out and make sure it is going to be safe and will grant it once a year at the Mayor's discretion. This is why we have several code sections cited in this. Prior to this, no fireworks were allowed to be fired off in the city parks. This doesn't open the city parks to anything but a single display at the Botanical Gardens if the Mayor grants a Special Events Permit. The other two changes were because there had been a mistake in citing the wrong code section.

Alderman Marsh: As a courtesy to our citizens with PTSD or those with jumpy pets, we will be using our citizen alert system to let people know about the fireworks in advance.

Mayor Jordan: We will take care of that.

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 Gray was absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5860 as recorded in the office of the City Clerk

Announcements:

Don Marr, Chief of Staff: The city is currently seeking nominations for the 2016 Historic Preservation awards. The applications can be found online at the City of Fayetteville website. The deadline for the nominations are April 8, 2016 at 5:00 p.m.

The Lafayette Historic Bridge construction has begun and will be closed from March 14, 2016 to June 1, 2016. Please plan for detours.

Construction has begun on College Avenue between east Cleburn Street and North Street. It will go from March to November.

There will be a Bulky Waste Cleanup at Owl Creek School and the Recycling & Trash Facility on March 19, 2016.

As a reminder, all future meetings will be back at City Hall after this Council meeting.

Alderman Tennant: There will be an Ordinance Review Committee meeting on March 31, 2016 in Room 326 at 4:30 p.m. at City Hall. We will be electing a Chairman and discuss the festival ordinance.

Alderman Long: There will be a Ward 4 meeting on March 28, 2016 at 6:00 p.m. in Room 111 at City Hall.

City Attorney Kit Williams thanked the Fayetteville School District and Washington County for allowing the City of Fayetteville to use their facilities while City Council Chambers is being renovated.

Mayor Jordan thanked everyone for their work on the restoration of the Lafayette and Maple Historic Bridges.

City Council Agenda Session Presentations: None

City Council Tour: None

Adjournment: 6:37 p.m.

Lioneld Jordan

Lioneld Jordan, Mayor

Sondra E. Smith

Sondra E. Smith, City Clerk Treasurer

CITY OF
Fayetteville
ARKANSAS

Nominating Committee Report

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

Absent –Martin W. Schoppmeyer Jr.

The Mayor recommends the following candidate appointment:

FAYETTEVILLE PUBLIC LIBRARY
Kim Agee – One term ending 04/01/21

The Nominating Committee recommends the following candidates for appointment:

AIRPORT BOARD
James Rankin – One unexpired University of Arkansas term ending 12/31/16

BOARD OF ADJUSTMENTS
Kristen Knight – One term ending 03/31/19
Stephen Clowney – One term ending 03/31/19
Casey Hoffman – One unexpired term ending 03/31/18

CIVIL SERVICE COMMISSION
Earl Buddy Chadick – One term ending 03/31/22

Each commissioner must be a resident of the city for at least three years immediately preceding their appointment. A.C.A. Section 14-51-202.

CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS
Mary Catherine Johnson – One Alternate Member term ending 03/31/21
Vacant – One Alternate Member term ending 03/31/21

PLANNING COMMISSION
Ron Autry – One term ending 03/31/19
Allison Quinlan – One term ending 03/31/19
Leslie Belden – One term ending 03/31/19