

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
April 5, 2016**

A meeting of the Fayetteville City Council was held on April 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, 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 6:05 p.m.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports, and Discussion Items:

Advertising and Promotion Commission Appointment:

Alderman Kinion presented the Advertising and Promotion Commission Appointment.

A copy of the letter is attached.

Alderman Kinion moved to approve the appointment of Tim Freeman to the Advertising and Promotion Commission. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-1. Alderman Petty, Tennant, Schoppmeyer, Long, Gray, Marsh, and Kinion voting yes. Alderman La Tour voted no.

Agenda Additions: None

Consent:

Approval of the March 15, 2016 City Council Meeting Minutes.

Approved

Bid #16-20 Lift Truck Service Center, Inc.: A resolution to award Bid #16-20 to Lift Truck Service Center, Inc. and authorize the purchase of a 2016 Nissan Platinum II Series Forklift in the amount of \$44,608.00 for use by the Recycling and Trash Collection Division.

Resolution 69-16 as recorded in the office of the City Clerk

Bid #16-21 Pig Trail Harley Davidson: A resolution to award Bid #16-21 to Pig Trail Harley Davidson of Rogers, Arkansas and authorize the purchase of a 2016 Harley Davidson FLHTP motorcycle in the amount of \$24,459.88 for use by the Police Department.

Resolution 70-16 as recorded in the office of the City Clerk

University of Arkansas Cost Share Agreement: A resolution to approve a cost share agreement with the University of Arkansas for a water main upgrade along portions of Maple Street and Oliver Avenue.

Resolution 71-16 as recorded in the office of the City Clerk

Arkansas Forestry Commission Grant: A resolution to authorize acceptance of a 50/50 matching grant from the Arkansas Forestry Commission in the amount of \$14,105.00 for the planting of native species in the medians of Garland Avenue and College Avenue, and to approve a budget adjustment.

Resolution 72-16 as recorded in the office of the City Clerk

Arkansas Recreational Trails Grant: A resolution to approve an agreement of understanding with the Arkansas State Highway and Transportation Department for the acceptance of an 80/20 Arkansas Recreational Trails grant in the amount of \$56,000.00 for the construction of a nature trail boardwalk at Lake Fayetteville, and to approve a budget adjustment.

Resolution 73-16 as recorded in the office of the City Clerk

Sweetser Construction, Inc.: A resolution to authorize a contract with Sweetser Construction, Inc. in the amount of \$2,537,900.00 for the construction of the Ruppel Road widening project from Persimmon Street to Congressional Road, and to approve a project contingency in the amount of \$250,000.00.

Resolution 74-16 as recorded in the office of the City Clerk

Fayetteville Chamber of Commerce Economic Development Consulting Services: A resolution to approve an extension of up to three (3) months to the contract with the Fayetteville Chamber of Commerce for Economic Development Consulting Services in an amount not to exceed \$41,250.00, and to approve a budget adjustment.

Resolution 75-16 as recorded in the office of the City Clerk

Alderman Tennant moved to accept the Consent Agenda as read. Alderman Marsh seconded the motion. Upon roll call the motion passed unanimously.

Unfinished Business:

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: There was a meeting of the Ordinance Review Committee last week to discuss this. They decided to not make any recommendations until they can have further meetings. They elected Alderman Tennant as Chairman.

Alderman Tennant stated city staff are working on more ideas. He believes this would allow City Council members more time to work on ideas too. He stated they were working on a schedule for the next meeting.

City Attorney Kit Williams recommended the item to be tabled before the third reading to have it in better form.

A discussion followed about the City Council meeting schedule.

Alderman Tennant moved to table the ordinance to the May 17, 2016 City Council meeting. Alderman La Tour seconded the motion. Upon roll call the motion to table passed unanimously.

This ordinance was tabled to the May 17, 2016 City Council meeting.

New Business:

Tree Preservation Area Modification at Forest Hills: An ordinance to vacate portions of a tree preservation area to facilitate development, to preserve the best quality, most significant trees and to dedicate a larger tree preservation area.

City Attorney Kit Williams read the ordinance.

John Scott, Urban Forester gave a brief description of the ordinance. He stated staff recommends approval of the ordinance.

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

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 unanimously.

City Attorney Kit Williams read the ordinance.

Alderman La Tour: Are you in favor of this proposal?

Patrick Foy, Morrison Shipley Engineers: Yes, sir.

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

Ordinance 5861 as recorded in the office of the City Clerk

Walton Family Foundation Agreement - Cato Springs Trail: A resolution to express the City Council's thanks and gratitude to the Walton Family Foundation for its generous \$2,000,000.00 matching grant for the construction of the Cato Springs Trail from the Town Branch Trail to the Regional Park, to approve the grant agreement and to approve a budget adjustment to recognize this \$2,000,000.00 grant.

Matt Mihalevich, Trails Coordinator gave a brief description of the resolution. He stated he was grateful to the Walton Family Foundation for their support.

Mayor Jordan stated his appreciation to Matt Mihalevich for his work on the project and to the Walton Family Foundation for their generous gift.

Alderman Tennant thanked the Walton Family Foundation for their support and generosity.

Alderman Marsh: I will be recusing myself from this vote. This exciting new trail will pass through my property.

Alderman La Tour expressed his thanks to the Walton Family Foundation and recognized the value in entrepreneurialship.

Alderman Tennant moved to approve the resolution. Alderman Kinion seconded the motion. Upon roll call the resolution passed 7-0. Alderman Marsh recused.

Resolution 76-16 as recorded in the office of the City Clerk

Internal Audit Division Charter: An ordinance to amend Chapter 33 of the Fayetteville Code to renumber the sections of Article XXV **Audit Committee and Internal Auditor** and reserve sections 33.365 through 33.369 and 33.375 through 33.379 for future use, and to approve an amendment to the Internal Audit Division Charter reducing the number of required annual meetings from four to three to be consistent with the requirements of the City Code.

City Attorney Kit Williams read the ordinance.

Leslie Smith, Internal Auditor gave a brief description of the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Schoppmeyer 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 unanimously.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5862 as recorded in the office of the City Clerk

VAC 16-5324 (NE Corner of Drake & McConnell/Nelms Climbing Gym): An ordinance to approve VAC 16-5324 submitted by Jorgensen and Associates, Inc. for property located at the Northeast Corner of Drake and McConnell to vacate portions of a utility easement.

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 recommends approval with a vote of 6-0.

Alderman Tennant 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.

Don Marr, Chief of Staff: Mayor, Council members that are hitting their motion button and second without being recognized, it is recording a different first and second than the actual voice votes. So, if you could wait to hit your button until you have been recognized by the Mayor to make a motion so our minutes accurate. Thank you.

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 5863 as recorded in the office of the City Clerk

VAC 16-5323 (4030 N. College Ave./Whataburger): An ordinance to approve VAC 16-5323 submitted by Crafton Tull, Inc. for property located at 4030 North College Avenue to vacate a portion of a utility easement.

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 recommends approval with a vote of 6-0.

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

City Attorney Kit Williams read the ordinance.

Alderman Petty moved to suspend the rules and go to the third and final reading. Alderman Tennant 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 5864 as recorded in the office of the City Clerk

VAC 16-5322 (2011 W. Foxglove Dr./Crain Volkswagen): An ordinance to approve VAC 16-5322 submitted by Crafton Tull, Inc. for property located at 2011 West Foxglove Drive to vacate portions of access and utility easements.

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 recommends approval with a vote of 6-0.

Alderman Petty 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 Petty 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 5865 as recorded in the office of the City Clerk

ADM 16-5340 (UDC Chapter 164.19 Amendments): An ordinance to amend the definition of accessory dwelling unit in §151.01 and to amend portions of §164.19 **Accessory Dwelling Units** to remove lot size requirements, increase the allowed size from 600 square feet to 950 square feet and make other changes.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance.

Alderman Marsh: I am in favor of this proposal. It can do a lot to help us increase the appropriate infill housing that is one of our 2030 City Plan goals. I support the 900 square foot limit.

Alderman La Tour: I like the idea of giving our property owners greater flexibility. This provision will do that.

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

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 unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Long: I would like to hold it here on this reading for another two weeks. We have a Ward 4 meeting coming up. I would like to address this with some of the constituents that live around the university.

City Attorney Kit Williams: In order to do that we will need to have a motion to table since we have been through the third and final reading.

Alderman Long moved to table the ordinance to the May 3, 2016 City Council meeting. Alderman Tennant seconded the motion. Upon roll call the motion to table failed 4-4. Alderman Tennant, Schoppmeyer, Long, and Gray voting yes. Alderman Petty, La Tour, Marsh, and Kinion voting no.

The motion to table failed.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-1. Alderman Petty, Tennant, Schoppmeyer, La Tour, Gray, Marsh, and Kinion voting yes. Alderman Long voting no.

Ordinance 5866 as recorded in the office of the City Clerk

Amend the Rules of Order and Procedure: A resolution to amend the Rules of Order and Procedure of the Fayetteville City Council A. 7. d. to authorize the City Council to allow a representative of the public opposing the ordinance or resolution to use an electronic visual aid presentation on the issue.

Alderman Long gave a brief description of the resolution. He stated it would give City Council members the same right as a staff member to present at City Council meetings. He stated it would let the City Council pass by simple majority to let a citizen speak on an issue with a visual aid presentation.

Alderman Petty: In principle the proposal is fine, but I would be more comfortable with it if it included time limits.

Alderman Long: We could add time limits of five minutes.

City Attorney Kit Williams: Would this be a time limit for the presentation by the member of the audience or on all of the presentations?

Alderman Long: It would be for members of the audience.

Mayor Jordan clarified the five minute proposal.

Alderman Kinion: If we pass this amendment, could we move to suspend the rules, if it was necessary, if we needed more information from the person presenting the presentation?

City Attorney Kit Williams: Yes. This would be a part of your Rules of Order and Procedures which you may suspend by a 2/3 vote.

Kyle Smith, 2801 West Dove Drive: We have presentations from property owners who have their own multimedia presentations prepared and those frequently run more than five minutes. On occasions when you have neighborhood representatives who might want to speak in opposition to a zoning ordinance and have their presentations, it could be very hard for them to answer all of a property owners concerns in that time limit. It would be nice to have some kind of expectation when they come forward that they are going to get equal time with a supporting position.

Alderman Long: Would you be open to trying this first? Right now members of the audience and citizens aren't allowed to give presentations at all.

Kyle Smith: It would definitely be an improvement.

City Attorney Kit Williams: If this is adopted it will say an electronic visual aid not to exceed five minutes. It does not say that after an electronic visual aid is over that the speaker must sit down. The speaker could continue to speak, but their slideshow can't exceed five minutes.

Alderman Long moved to limit presentations to five minutes for the audience. Alderman Petty seconded the motion. Upon roll call the motion to amend passed unanimously.

Alderman Marsh: I would like for us to table this for another two weeks to give us an opportunity to have public feedback.

A discussion followed about tabling the item for citizen input and feedback.

Alderman Kinion: Since this impacts the public, we should get feedback to see if they find this to be fair.

Alderman Long: I propose we move forward. Anytime we give the public a greater chance to speak to us, which is what we are doing tonight, we improve the communication level. It is a resolution that can always be amended.

Alderman Marsh moved to table the resolution to the April 19, 2016 City Council meeting. Alderman Kinion seconded the motion. Upon roll call the motion to table failed 3-5. Alderman Petty, Marsh, and Kinion voting yes. Alderman Tennant, Schoppmeyer, La Tour, Long, and Gray voting no.

The motion to table failed.

Alderman Long moved to approve the resolution. Alderman Petty seconded the motion. Upon roll call the resolution passed 6-2. Alderman Petty, Tennant, Schoppmeyer, La Tour, Long, and Gray voting yes. Alderman Marsh and Kinion voting no.

Resolution 77-16 as recorded in the office of the City Clerk

Announcements:

Don Marr, Chief of Staff: There will be a Ward cleanup on Saturday, April 16, 2016. The two locations are Shaver Foods and the Recycling & Trash Facility. It will be from 7:00 a.m. to 2:00 p.m. The final Ward cleanup will be May 7, 2016.

Mayor Jordan expressed his appreciation for the renovations of the City Council Chambers.

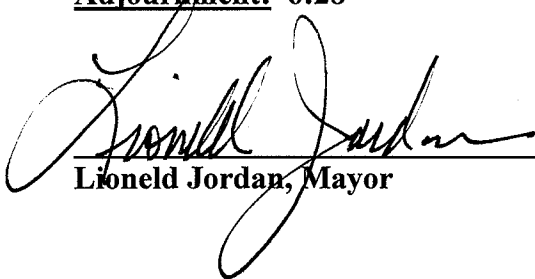
City Council Agenda Session Presentations:

Agenda Session Presentation - Update on construction efforts at Regional Park.

Tour of the renovated City Council Chambers and review with the City Council the new Vote Cast System & Presentation Technology.

City Council Tour: None

Adjournment: 6:28


Lioneld Jordan, Mayor
Sondra E. Smith, City Clerk Treasurer



Fayetteville Advertising and Promotion Commission
21 S. Block Ave.
Fayetteville, Arkansas 72701

March 22, 2016

TO: Fayetteville City Clerk

From: Kym Hughes

Executive Director, Fayetteville Advertising & Promotion Commission

**RE: Vacancy on the Advertising and Promotion Commission for
4 year term expiring March 31, 2016**

The Fayetteville Advertising & Promotion Commission during their March 21, 2016 regular meeting voted to re -elect Tim Freeman, to fill the open industry position seat on the A & P Commission. Mr. Freeman is a resident of Fayetteville and a registered voter.

The Commission asks for the approval of the City Council per state statute as follows:

26-75-605. Advertising and promotion commissions

(2) (d) Whether resulting from expiration of a regular term or otherwise, a vacancy on the commission in any of the four (4) tourism industry positions provided for in subdivision (a)(1) of this section or in the at-large position provided for in subdivision (a)(3) of this section shall be filled by appointment made by the remaining members of the commission, with the approval of the governing body of city.