Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Sarah Marsh
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Martin W. Schoppmeyer, Jr.
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Alan T. Long

City of Fayetteville Arkansas
City Council Meeting Minutes
May 07, 2013

A meeting of the Fayetteville City Council was held on May 07, 2013 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville,

Mayor Jordan called the meeting to order.

PRESENT: Alderman Adella Gray, Sarah Marsh, Mark Kinion, Matthew Petty, Rhonda Adams, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Treasurer Sondra Smith, Staff, Press, and Audience.

ABSENT: Justin Tennant & Martin Schoppmeyer

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Mayor Jordan welcomed the AP students from Ramay Junior High School.

City Council Meeting Presentations, Reports and Discussion Items:

Agenda Additions: None

Consent:

Approval of the April 16, 2013 City Council meeting minutes.

Approved

Animal Services Donation Revenue: A resolution approving a budget adjustment in the total amount of $9,392.00 representing donation revenue to Animal Services for the first quarter of 2013.

Resolution 91-13 as recorded in the office of the City Clerk.

Ranger's Pantry Pet Food Bank: A resolution approving a budget adjustment in the total amount of $405.00 representing donation revenue to the Community Services Division Ranger's Pantry Pet Food Bank and for the Senior Giving Tree Event.

Resolution 92-13 as recorded in the office of the City Clerk.

Community Development Block Grant Housing Program: A resolution approving a budget adjustment in the total amount of $1,195.00 recognizing Community Development Block Grant income received from a Housing Program lien payoff.

This resolution was removed form the Consent Agenda for discussion.

McClelland Consulting Engineers, Inc. Amendment 1 – Task Order No. 9: A resolution approving Amendment No. 1 to Task Order No. 9 of a contract with McClelland Consulting Engineers, Inc. in the amount of $7,500.00 for engineering services associated with the executive hangar office addition project at Fayetteville Executive Airport-Drake Field.

Resolution 93-13 as recorded in the office of the City Clerk.

Center Point Contractors, Inc.: A resolution awarding Bid #13-23 and authorizing a contract with Center Point Contractors Inc. in the amount of $256,675.00 for construction of an executive hangar addition at Fayetteville Executive Airport-Drake Field, and approving a budget adjustment.

Resolution 94-13 as recorded in the office of the City Clerk.

Cintas Corporation: A resolution authorizing a contract with Cintas Corporation, pursuant to a cooperative purchasing agreement through the U.S. Communities Government Purchasing Alliance, for the rental of uniforms, mats, mops and other items through March 31, 2015, with two additional two year renewal options.

Resolution 95-13 as recorded in the office of the City Clerk.

Repealing Resolution No. 51-13 Bid #13-12 Terex Equipment Services: A resolution repealing Resolution No. 51-13, awarding Bid #13-12 and authorizing the purchase of three (3) Ford F-550 service body trucks from Terex Equipment Services of North Little Rock in the total amount of $127,545.00 for use by the Water and Sewer Division.

Resolution 96-13 as recorded in the office of the City Clerk.

Bid #12-79 Peterbilt of Fort Smith: A resolution authorizing the purchase of one (1) 2013 Peterbilt rear load refuse truck with Wayne body pursuant to Bid #12-79 from Peterbilt of Fort Smith in the amount of $220,995.00.

Resolution 97-13 as recorded in the office of the City Clerk.

2013 Arkansas Department of Environmental Quality E-Waste Grant: A resolution approving application for a 2013 Arkansas Department of Environmental Quality E-Waste Grant through the Boston Mountain Solid Waste District of $25,000.00 for an E-Waste coupon redemption program.

Resolution 98-13 as recorded in the office of the City Clerk.

2013 Arkansas Department of Environmental Quality Recycling Grant: A resolution approving application for a 2013 Arkansas Department of Environmental Quality Recycling Grant through the Boston Mountain Solid Waste District of $30,000.00 for indoor apartment recycling containers.

Resolution 99-13 as recorded in the office of the City Clerk.

Northwest Arkansas Regional Planning Commission: A resolution approving an amendment to the Intergovernmental Agreement with the Northwest Arkansas Regional Planning Commission relating to the second statement of joint principles, stressor response, and monitoring evolving water quality issues, authorizing an expenditure of up to $40,000.00 for the agreement, and authorizing a $5,000.00 contingency.

Resolution 100-13 as recorded in the office of the City Clerk.

Alderman Petty moved to approve the Consent Agenda as read with Community Development Block Grant Housing Program removed for discussion. Alderman Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant and Schoppmeyer were absent.

<u>The following item was removed from the Consent Agenda for discussion</u>

Community Development Block Grant Housing Program: A resolution approving a budget adjustment in the total amount of $1,195.00 recognizing Community Development Block Grant income received from a Housing Program lien payoff.

Alderman Kinion moved to table the resolution indefinitely. Alderman Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant and Schoppmeyer were absent.

This resolution was tabled indefinitely.

Unfinished Business:

Amend §114.02 Farmers' Market: An ordinance to amend §114.02 **Farmers' Market** to transfer the current free use of the south parking spaces on Mountain Street to the control of the Rural Mountain Producers Exchange Board, to close Mountain Street to traffic, to permit sound amplification during Farmers' Market and to make other changes. ***This ordinance was left on the First Reading at the March 19, 2013 City Council meeting. This ordinance was left on the Second Reading at the April 2, 2013 City Council meeting and sent to the Ordinance Review Committee. This ordinance was left on the Third Reading at the April 16, 2013 City Council meeting and Tabled to the May 7, 2013 City Council meeting.***

Alderman Long: This went to the Ordinance Review Committee. The committee recommended removal of Center Street from the ordinance.

Mayor Jordan: The amendment would be to remove Center Street and close Block, Mountain and East. I received an email from Alderman Schoppmeyer asking that this be tabled until he is present and can vote.

City Attorney Kit Williams: There have been several different versions of the ordinance. I have drafted a new ordinance with Center Street removed and made some other minor changes as reflected by the will of the Ordinance Review Committee. The revised ordinance was in your final agenda. Alderman Long pointed out that the revised ordinance did not mention free speech activities it only said non-profits. I could not add that administratively because that was not discussed and voted on at the Ordinance Review Committee. That would have to be an amendment that would need to be presented at the Council meeting. Also if you are going to allow prepared food to be sold we need to have it in the ordinance.

Alderman Gray moved to table the ordinance to the May 21, 2013 City Council meeting. Alderman Marsh seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant and Schoppmeyer were absent.

This ordinance was left on the Third Reading at the May 7, 2013 City Council meeting and Tabled to the May 21, 2013 City Council meeting.

R-PZD 12-4284 (Park Hill at Mountain Ranch): An ordinance establishing a Residential Planned Zoning District titled R-PZD 12-4284, Park Hill at Mountain Ranch, located at the southwest corner of Persimmon Street and Mountain Ranch Boulevard; containing approximately 2.23 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. **This ordinance was left on the First Reading at the April 2, 2013 City Council meeting. This ordinance was left on the Second Reading at the April 16, 2013 City Council meeting.**

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

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Development Services Director gave a brief description of the ordinance. Planning Commission voted 7-0 in favor of this PZD request. Staff is recommending this be approved tonight.

Aaron Wirth, Cobblestone Homes, developer: I think we have everyone on board to start this project.

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

Ordinance 5580 as recorded in the office of the City Clerk.

Public Hearing:

Raze and Removal 320 W. North Street: A resolution certifying to the Tax Collector of Washington County, Arkansas the costs of razing and removal of a dilapidated and unsafe structure upon the property owned by Robert W. Wilkes located at 320 W. North Street in the City of Fayetteville, Arkansas.

Chad Ball, Code Compliance Administrator: As of today this bill has been paid in full by the property owner so we do not need to impose a lien.

Alderman Petty moved to deny the resolution. Alderman Adams seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant and Schoppmeyer were absent.

This resolution was denied

Raze and Removal 1717 S. Stirman Avenue: A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Mary Lou Guthery located at 1717 S. Stirman Avenue in the City of Fayetteville, Arkansas, and approving a budget adjustment.

Mayor Jordan opened the Public Hearing.

Chad Ball: In early March of this year Code Compliance responded to a request from the Fire Department concerning this house. It is fire damaged and has been inspected. The Chief Building Official has determined that this is in violation. Notices have been sent to the property owners and to the Commissioner of State Lands. We spoke to the estate and they are working

with us to hopefully demo that themselves. We are asking that this resolution and budget adjustment be approved.

City Attorney Kit Williams: We received an in depth analysis and pictures that showed this dilapidated structure at agenda session. You can take that into account when you make your decision.

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 motion passed 6-0. Alderman Tennant and Schoppmeyer were absent.

Resolution 101-13 as recorded in the office of the City Clerk.

New Business:

RZN 13-4334 (2925 Old Missouri/Good Shepherd: An ordinance rezoning that property described in rezoning petition RZN 13-4334, for approximately 3.8 acres, located at 2925 Old Missouri Road from RSF-4, Residential Single-Family, 4 units per acre, to P-1, Institutional.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the rezoning. Staff recommends approval as well as the Planning Commission with a 9-0 vote.

Tim Maddox, deMx architecture: This ordinance is about streamlining the process.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5581 as recorded in the office of the City Clerk.

RZN 13-4359 (1851 E. Huntsville Rd./Kum & Go): An ordinance rezoning that property described in rezoning petition RZN 13-4359, for approximately 1.9 acres, located at 1851 East Huntsville Road from I-1, General Industrial, to C-1, Neighborhood Commercial.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance and the property located at this location. This rezoning is just for the 1.9 acres. Staff recommends in favor and the Planning Commission voted in favor of this request.

Aubrey Shepherd stated I am not against the rezoning. He voiced his concerns about the watersheds in the area of this property.

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

City Attorney Kit Williams read the ordinance.

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Adams seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant and Schoppmeyer were absent.

City Attorney Kit Williams read the ordinance.

Alderman Petty: The past few times we have seen a rezoning request like this I have talked about our form based codes and advocated for them. I am not going to do that this time because I think the benefits over what is there are clear. It is something I don't think we should forget.

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

Ordinance 5582 as recorded in the office of the City Clerk.

JWC Environmental: An ordinance waiving the requirements of formal competitive bidding and approving an agreement with JWC Environmental in a current amount of $21,658.24 for Channel Monster repairs and approving future such repairs as needed at the Hamestring Sewer Pump Station.

City Attorney Kit Williams read the ordinance.

David Jurgens, Utilities Director gave a brief description of the equipment they would like to purchase.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5583 as recorded in the office of the City Clerk.

City Council Agenda Session Presentations:

Economic Development 2nd Quarter Contract Update: Chung Tan and Steve Clark

City Council Tours:

May 6, 2013 5:00 PM
Woolsey Wet Prairie Wetlands and Broyles Farm

Announcements:

Adjournment: 6:50 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer