Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

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
August 6, 2013

A meeting of the Fayetteville City Council was held on August 6, 2013 at 6:00 PM 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, Rhonda Adams, Alan Long, Mayor Lioneld Jordan, Assistant City Attorney Jason Kelley, City Clerk Sondra Smith, Staff, Press, and Audience.

Alderman Gray arrived at 6:25 PM

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

Nominating Committee Report:

Fayetteville Housing Authority Board Appointment

Alderman Adams presented the Nominating Committee Report

A copy of the report is attached.

Alderman Kinion moved to approve the Nominating Committee Report. Alderman Tennant seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent during the vote.

Agenda Additions: None

Consent:

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

Approved

Arkansas State Highway and Transportation Department: A resolution to approve an Agreement of Understanding between the City of Fayetteville and the Arkansas State Highway and Transportation Department and to approve the attached budget adjustment of $75,000.00.

Resolution 165-13 as recorded in the office of the City Clerk

2013 ADEQ E-Waste Grant: A resolution authorizing acceptance of a 2013 Arkansas Department of Environmental Quality E-Waste Grant of $25,000.00 for an E-Waste coupon redemption program, and approving a budget adjustment.

Resolution 166-13 as recorded in the office of the City Clerk

Bid #13-38 General Construction Solutions, Inc.: A resolution awarding Bid #13-38 and approving a contract with General Construction Solutions, Inc. in the amount of $108,982.00 for construction of sanitary sewer repairs in the vicinity of the Cliffs Apartments due to Spring 2011 flooding, approving a $10,000.00 project contingency, and approving a budget adjustment.

Resolution 167-13 as recorded in the office of the City Clerk

Bid #13-39 Goodwin & Goodwin: A resolution awarding Bid #13-39 and approving a contract with Goodwin & Goodwin, Inc. in the amount of $1,262,647.00 for construction of water and sewer main replacements along the West Fork of the White River, approving a project contingency of $125,000.00, and approving a budget adjustment.

Resolution 168-13 as recorded in the office of the City Clerk

Bid #13-37 Pick-It Construction, Inc.: A resolution awarding Bid #13-37 and approving a contract with Pick-It Construction, Inc. in the amount of $403,987.00 for construction of pool building renovations at Wilson Park, and approving a fifteen percent (15%) project contingency.

Resolution 169-13 as recorded in the office of the City Clerk

Crafton Tull Amendment #1: A resolution approving Amendment No. 1 to the contract with Crafton Tull for construction phase services associated with renovation of pool buildings at Wilson Park in an additional amount not to exceed $15,000.00, and approving a budget adjustment.

Resolution 170-13 as recorded in the office of the City Clerk

Landers Toyota of Little Rock: A resolution authorizing the purchase of two (2) Toyota Tacoma pickup trucks in the total amount of $48,838.00, pursuant to a state procurement contract, from Landers Toyota of Little Rock for use by the Transportation and Water & Sewer divisions, and approving a budget adjustment.

Removed from the Consent Agenda

George Nunnally Chevrolet of Bentonville: A resolution authorizing the purchase of two (2) Chevrolet Tahoes in the total amount of $57,110.00, pursuant to a state procurement contract, from George Nunnally Chevrolet of Bentonville for use by the Fire Department and the Solid Waste Division, and approving two (2) budget adjustments.

Resolution 171-13 as recorded in the office of the City Clerk

Arkansas State Highway Department Safe Routes to School Grant: A resolution authorizing acceptance of an Arkansas State Highway and Transportation Department Safe Routes to School Grant in the amount of $81,248.00 to be utilized for construction of a pedestrian bridge along Salem Road connecting Holcomb Elementary and Holt Middle School, and approving a budget adjustment.

Resolution 172-13 as recorded in the office of the City Clerk

Aircraft Passenger Stairs: A resolution approving a budget adjustment in the amount of $3,500.00 to provide for an increase in the project budget for the purchase of aircraft passenger stairs for Fayetteville Executive Airport-Drake Field.

Resolution 173-13 as recorded in the office of the City Clerk

RFP #13-07 Everbridge, Inc.: A resolution awarding RFP #13-07 and approving a contract with Everbridge, Inc. for the provision of emergency notification services, and approving a budget adjustment in the amount of $32,000.00.

Resolution 174-13 as recorded in the office of the City Clerk

Alderman Adams moved to approve the Consent Agenda as read with Landers Toyota of Little Rock removed for discussion. Alderman Long seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent during the vote.

The following item was removed from the Consent Agenda for discussion

Landers Toyota of Little Rock: A resolution authorizing the purchase of two (2) Toyota Tacoma pickup trucks in the total amount of $48,838.00, pursuant to a state procurement contract, from Landers Toyota of Little Rock for use by the Transportation and Water & Sewer divisions, and approving a budget adjustment.

Alderman Petty moved to remove Landers Toyota of Little Rock from the Consent Agenda and table it indefinitely. Alderman Tennant seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent during the vote.

Unfinished Business: None

Public Hearing:

Raze and Removal 515 E. Township Street: A resolution ordering the razing and removal of a dilapidated and unsafe structure owned by Marshall Aaron Mahan located at 515 E. Township Street in the City of Fayetteville, Arkansas.

Chad Ball, Code Compliance Administrator gave a brief description of the raze and removal.

Mayor Jordan opened the Public Hearing

There was no public comment

Mayor Jordan closed the Public Hearing

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

Resolution 175-13 as recorded in the office of the City Clerk.

New Business:

RZN 13-4410 (2468 N. Crossover Rd./Lynnwood Estates): An ordinance rezoning that property described in rezoning petition RZN 13-4410, for approximately 4.66 acres located at 2468 North Crossover Road from RSF-2, Residential Single-Family, 2 units per acre, to R-O, Residential Office, subject to a Bill of Assurance.

Assistant City Attorney Jason Kelley read the ordinance.

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

Alderman Tennant: You mentioned compatibility on the 2030 Plan and you mentioned that sometimes non-residential uses when a corner is involved. The corner of 265 and Township is not part of this.

Jeremy Pate: That is correct.

Alderman Tennant: Since we are not talking about the corner, do you know of any examples in Fayetteville where we deviated from the 2030 Plan residential wise, to something that is not on a corner?

Jeremy Pate: Honestly, I don't know the answer to that. I think we have seen form based codes be utilized more, because in those cases we know the use, we know the form of the project. The ones that come to mind for me are PZD's, because you know what the project is going to be and how it is going to function in relationship to surrounding land uses.

Alderman Tennant: I would prefer to not vote since we have a tour planned. I have questions and if you could work on finding the answers, I would appreciate it. Will a u-turn be permitted at the light if you are traveling south on 265?

Jeremy Pate: Yes, the Highway Department designed Highway 265 with minimum quarter mile segments. They are designed for larger vehicle to have a turning radius and still be able to make a u-turn.

Alderman Tennant: Are there any other curb cuts, other than Candlewood and Township?

Jeremy Pate: Not that I am aware of, but I can find out.

Alderman Tennant: I don't know the process of contacting the school to see if anyone has questions about school traffic being affected from this not being residential.

Jeremy Pate: By state statute we notify the school district for all our zoning actions and annexations.

Alderman Tennant: What is the amount of land that has been lost by the landowner, compared to what was there before?

Jeremy Pate: The Highway Department did the land acquisition and so we weren't as involved in that, but we can find out.

Alderman Tennant: When you are going south on 265 and you turn at Township, if you don't make a u-turn, there is a fear that people will take a left at Township, go east and then have to make a turn around to get back north on 265. There is a driveway for the houses that are built on the south side of Township. Is that a street?

Jeremy Pate: No, it is a shared private driveway.

Alderman Tennant: Could theses people put a gate up on each side?

Jeremy Pate: I don't believe so, but I will find out.

Alderman Tennant: Say we do this and in two years nothing ever gets developed and then it is sold to somebody else. Does the Bill of Assurance follow that new owner?

Jeremy Pate: Yes.

Mayor Jordan: I know that a Bill of Assurance can only be changed by the City Council.

Ben Israel, Developer: Mr. Israel spoke in favor of the ordinance.

Alderman Petty: In the Planning Commission minutes, it says Commissioner Hoskins asked if you would consider the Neighborhood Services zoning district and staff said that while it wouldn't alleviate all their concerns it would some of them. You answered that you hadn't considered other zoning districts. Would you be open to considering the Neighborhood Services zoning district?

Ben Israel: We were, but staff said it wouldn't be possible.

Jeremy Pate: The council has the right to rezone it, if you so desire.

Alderman Petty: I am confused about the logic that staff has presented for separation of uses. I do share some of their concerns about the forms of the building and Neighborhood Services is a zoning district that allows a property owner a greater degree of flexibility in exchange for committing to building in a certain way.

Ben Israel: Is that a possible zoning for that?

Jason Kelley, Assistant City Attorney: The council has the legal authority to zone it that way.

Mayor Jordan: Jeremy, do you think that would be possible?

Jeremy Pate: I think anything is really possible in terms of a request to rezone property. The Planning Commission votes on what is before them and they supported this request. I don't know why the applicant would change. I agree with what Mr. Israel indicated, because he read directly from our City Plan 2030 and I have no argument with that. I don't think staff agreed that RO would create a walk able and vibrant community in this particular location.

Paul Henry: Mr. Henry spoke in opposition of the ordinance.

Alderman Tennant: You live in a house that has a private drive access. Do you see people turn at the Township light and use your private drive to turn around?

Paul Henry: We do have some, but it is not a large volume because there is not a lot of reason too. What concerns us, as individual owners, is that it is a private drive and increase count could increase the cost to maintain the road due to wear and tear.

Jerry Jones, owner of the proposed development change spoke about his personal home, traffic flow, signed petitions and is in favor of the ordinance.

Alderman Tennant: Is there a sidewalk separating your property to Highway 265?

Jerry Jones: Yes.

Alderman Tennant: Is the curb and sidewalk new or was that already there?

Jerry Jones: It is new.

Alderman Tennant: When people take a u-turn at the light in the future, they would have to run over the curb and sidewalk to get to your property. You will see a lot of u-turn vehicles and publicly you are saying you are ok with that?

Jerry Jones: It is where I choose to live. There are changes taking place in Fayetteville and there are sacrifices we all have to make.

Caleb Critz, President of Hickory Park Property Owners Association spoke in opposition of the ordinance.

Alderman Tennant: Can you turn left out of Hickory Park now?

Caleb Critz: I can now, but I don't believe I will be able too in the future.

Leslie Cameron, Secretary of Hickory Park Property Owners Association spoke in opposition of the ordinance.

This ordinance was left on the First Reading.

ADM 13-4408 (Bicycle Parking Code Amendments): An ordinance to amend §172.10 Bicycle Parking Rack Requirements (D)(2)(e) to reduce the minimum clearance to a fire hydrant from 15 feet to 6 feet.

Assistant City Attorney Jason Kelley read the ordinance.

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

Alderman Petty: Where did the original rules come from?

Jeremy Pate: We do research on peer cities and look at requirements. For fire codes, they are adopted by the state. For bicycle parking ordinance we did an extensive study in 2002 and there is a national standard for bicycle parking and ratios. We recently updated that about a year ago to reflect changes in those standards.

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

Assistant City Attorney Jason Kelley read the ordinance.

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

Assistant City Attorney Jason Kelley read the ordinance.

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

Ordinance 5603 as recorded in the office of the City Clerk

Amend §72.58 Off-Street Parking Facilities; Rules and Rates: An ordinance to amend §72.58 Off-Street Parking Facilities; Rules and Rates by enacting a new subsection (N) Electric Vehicle Charging Station.

Assistant City Attorney Jason Kelley read the ordinance.

Peter Nierengarten, Director of Sustainability & Strategic Planning gave a brief description of the ordinance.

Alderman Marsh: I noticed on the sign it says it is only limited from 8:00 a.m. to 6:00 p.m. Does that mean that after 6:00 p.m., any vehicle could park there or does it continue to be reserved for electric vehicles?

Peter Nierengarten: I believe it says you must pay the parking meter.

Don Marr, Chief of Staff: Rather than have one single space on a lot have a different rule than the entire lot, we wanted the pay period to be equivalent to the pay period for every other space. What concerns me is that if it confused you Alderman Marsh, we need to have wording that is clearer, because it would be ticketed as an electric vehicle space. It isn't a lot we would monitor after 6:00 p.m. because it is not a paid lot after 6:00 p.m.

Alderman Marsh: Maybe if there were two different signs on the same post, electric vehicle parking only; pay during these hours.

Peter Nierengarten: We can work with the Parking Division and see if we can come up with something a little clearer.

Alderman Adams: Can a bicycle charge at an electric car charging station?

Peter Nierengarten: The plug is 220 volts and it is only available on electric cars. Electric bicycles use a 110 receptacle.

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

Assistant City Attorney Jason Kelley read the ordinance.

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

Assistant City Attorney Jason Kelley read the ordinance.

Alderman Gray: I am happy that we have done this and it is a good thing for our progressive city to encourage electric cars. Thank you, Peter.

Mayor Jordan: I too would like to thank Peter for his work on this and the Parking Department.

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

Ordinance 5604 as recorded in the office of the City Clerk

Special Election for HMR Bonds: An ordinance calling and setting a date for a special election on the questions of the issuance by the City of (1) not to exceed $1,500,000 of Hotel and Restaurant Gross Receipts Tax Refunding Bonds for the purpose of refunding the City's outstanding Hotel and Restaurant Gross Receipts Tax Refunding Bonds, Series 2003, (2) not to exceed $6,900,000 of Hotel and Restaurant Gross Receipts Tax and Tourism Revenue Capital Improvement Bonds for the purpose of financing certain costs in connection with the renovation and expansion of Walton Arts Center, and (3) not to exceed $3,500,000 of Hotel and Restaurant Gross Receipts Tax and Tourism Revenue Capital Improvement Bonds for the purpose of financing certain costs in connection with a proposed Regional Park; pledging the proceeds from the existing one percent (1.00%) Hotel, Motel and Restaurant Gross Receipts Tax originally levied by Ordinance No. 2310 to the payment of the Refunding Bonds and Capital Improvement Bonds; prescribing other matters pertaining thereto; and declaring an emergency.

Assistant City Attorney Jason Kelley read the ordinance.

Paul Becker, Finance Director gave a brief description of the proposed election.

Don Marr, Chief of Staff: In our staff memo, we have budget impact as none. There is actually a budget impact; it is the cost of the special election which will need to be funded because there is no other scheduled election for November 12, 2013.

Aubrey Shepherd: Mr. Shepherd voiced his opinion about the ordinance.

Greg Harton, NWA Media: In the ordinance when it refers to the Regional Park, does that refer only to the sight at Cato Springs and I-540? Could you detail the use of the $3.5 million in spending that would take place if the bonds are approved and how that will be divided among the different uses at the park?

Connie Edmonston, Director of Parks and Recreation: The use of the $3.5 million would help add three baseball fields and accommodate all the parking.

A discussion followed about the use of the money for the Regional Park for the upcoming years.

Terri Trotter, Walton Arts Center: We are thrilled that the A&P brought this forward and that you are considering sending this bond issue to a public election. We have a conceptual plan to add about 30,000 square feet of additional space to WAC. The goal is to connect WAC to the activity happening on Dickson Street to add additional space for events. We believe this will allow us to host more events and bring more people into the city.

Mayor Jordan: How old is the Walton Arts Center?

Terri Trotter: 21 years old. Part of the plan we have is to refurbish some of the equipment.

Mayor Jordan: How long have you needed a renovation?

Terri Trotter: We have not gone through a major renovation ever. There was a surface level renovation about ten years ago, replacing the carpeting, seats in the theatre and wall coverings.

A discussion followed about the use of the money for the Walton Arts Center for the upcoming years.

Steve Clark, Chamber of Commerce President: I would like to compliment Mayor Jordan and members of the council and to thank you. This ordinance that is being considered is best described as an economic development infrastructure ordinance. It is an infrastructure that would be developed as parks, arts, playgrounds and people and is an infrastructure that will flourish and thrive. You have empowered everybody in the City of Fayetteville who is of voting age to decide how they want to play a part in this.

Alderman Long: How did we come up with $6.9 million for the Walton Arts Center expansion and $3.5 million for the Regional Park? How did we determine those numbers specifically?

Marilyn Heifner, Executive Director for the A&P Commission: The WAC came to the A&P Commission and asked for $6.9 million to expand the center and as we looked at a twenty five (25) year issue of new bonds there was fortunately $3.5 million left over after we paid off the bonds that we had.

Ms. Heifner continued to speak about why the Regional Park would be an advantage.

Alderman Tennant: I would like to thank Marilyn for her work on this.

Alderman Marsh: Does this lock us into a sports megaplex Regional Park or does it leave room to include Kessler Mountain into this plan?

Jason Kelley, Assistant City Attorney: It says it is financing a portion of the cost of constructing and equipping a Regional Park owned and located within the City of Fayetteville which may include baseball fields, soccer fields and related facilities.

Alderman Gray: I like the term economic development infrastructure and that is what I see this ordinance as. It is time that we take care of our young people.

Alderman Long: I would like us to consider making this a more equitable split between the two. I think it would be a good compromise and help us to accomplish more at the Regional Park.

Alderman Tennant: Everyone needs to keep in mind that passing this in its entirety, doesn't pay for all of the Regional Park and certainly doesn't pay for all the Walton Arts Center expansion. The WAC is moving forward with fundraising efforts and I am hoping that the Regional Park can also benefit from fundraising.

Paul Becker gave a brief statement declaring that these are preliminary numbers at this point and time.

Jason Kelley: Kit Williams requested at Agenda Session along with Gordon, our bond counsel that they would be present on August 20, 2013 to be able to address specific legal issues. Our bond counsel is not here tonight, so I would request that we do not complete this tonight.

Mayor Jordan: What is your opinion?

Dennis Hunt, Stephens Inc: Mr. Wilbourn, Mr. Williams, Mr. Becker and I have thoroughly reviewed the ordinance. If you want to delay that is fine, but everybody has had an opportunity to review and comment. The author of the ordinance received our comments and made the modifications.

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

Assistant City Attorney Jason Kelley 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 7-1. Alderman Long voting no.

Assistant City Attorney Jason Kelley read the ordinance.

Mayor Jordan: I have been on this council since 2001 and we have talked about the Regional Park since then. We have talked about renovating the Walton Arts Center and making expansions and we know that this park will help the youth of this city. If we make any kind of investment, it should be in children. It will help drive the economic engine of this city and we need this.

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

Alderman Adams moved to approve an emergency clause. Alderman Tennant seconded the motion. Upon roll call the motion passed 7-1. Alderman Long voting no.

Ordinance 5605 as recorded in the office of the City Clerk

City Council Agenda Session Presentations:
2012 Audit Management Letter Report – Tony C. Uth, Jr., Audit Committee Chair
Budget Reserves Discussion – Paul Becker, Finance Director

City Council Tour:
August 12, 2013 at 5:00 pm - RZN 13-4410 (2468 N. Crossover Rd./Lynnwood Estates

Announcements:

Alderman Gray: We have some openings on the Boards and Commissions of the city and we would like for you to go to our website and look at the openings.

Don Marr: This Thursday, August 8, 2013 at 5:30 p.m. to 7:00 p.m., there will be an open house for our Eastgate Master Planning at Happy Hollow Elementary.

Gulley Park will be having their final concert for this season and the group is Uncrowned Kings . It will begin at 7:00 p.m. on August 8, 2013.

The City Council has a tour scheduled for this Monday, August 12, 2013 at 5:00 p.m. The council will meet at City Hall.

Adjournment: 8:15 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer

Nominating Committee Report
Housing Authority Board

HOUSING AUTHORITY BOARD

The Housing Authority Board recommends the following appointments with the approval of the City Council.

- Christopher Terry - One Unexpired Term Ending 12/28/14