

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
July 5, 2016**

A meeting of the Fayetteville City Council was held on July 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.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

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

Consent:

Approval of the June 21, 2016 City Council Meeting Minutes.

Approved

McClelland Consulting Engineers, Inc.: A resolution to approve a contract with McClelland Consulting Engineers, Inc. in the amount of \$93,900.00 for surveying services associated with the

Garden Park Apartments Water Line Project, the Poplar Street/Easy Street Sewer Line Project, the Gregg Street/Fulbright Sewer Project, and the Kitty Creek Sewer Line Project.

Resolution 128-16 as recorded in the office of the City Clerk

Bid # 16-35 Carnahan-White of Arkansas, LLC: A resolution to award Bid # 16-35 and approve a contract with Carnahan-White of Arkansas, LLC in the amount of \$49,983.00 for the construction of the Noland Wastewater Treatment Plant Effluent Pond Security Fence Project, and to approve a project contingency in the amount of \$5,000.00.

Resolution 129-16 as recorded in the office of the City Clerk

Bid # 16-40 Stearman Roofing and Sheet Metal, LLC: A resolution to award Bid # 16-40 and approve a contract with Stearman roofing & Sheet Metal, LLC in the amount of \$30,540.00 for the installation of a new roof for the Central Fire Station at 303 West Center Street.

Resolution 130-16 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 \$4,356.00 and increasing the related expense budget.

Resolution 131-16 as recorded in the office of the City Clerk

Bid # 16-41 Steve Landers Toyota NWA: A resolution to award Bid # 16-41 and authorize the purchase of two 2016 Toyota Tacomas from Steve Landers Toyota NWA of Rogers, Arkansas in the total amount of \$42,800.00 for use by the Water and Sewer Operations Division.

Resolution 132-16 as recorded in the office of the City Clerk

Govdeals, Inc.: A resolution to approve a contract with Govdeals, Inc. for online auction services through June 22, 2017, and any future renewal periods, pursuant to a National Joint Powers Alliance cooperative purchasing agreement.

Resolution 133-16 as recorded in the office of the City Clerk

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

Resolution 134-16 as recorded in the office of the City Clerk

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

Unfinished Business:

Proposals for Development of South End of West Avenue Parking Lot: A resolution to clarify and extend the timeframe to solicit proposals for development of the West Avenue parking lot and to consider parking neutral proposals for sale of smaller parcels on southern end. *This resolution was tabled at the June 21, 2016 City Council Meeting to the July 5, 2016 City Council Meeting.*

Alderman Petty gave a brief description of the resolution. He passed out a petition signed by downtown business and property owners that are in support of something happening on the south side. He stated a lot was being centered on the parking study. He stated they have the draft in hand of the existing and future demand analysis relative to this property. He believes there is a discussion to be had about whether on street parking works. He stated having on street parking on certain portions such as West Avenue is compelling. He stated there is a speeding problem on West Avenue. He stated some people think it is unfair for one portion of the lot to be considered. He believes if it is Council's desire to consider the entire lot that would be fine. He believes it is important to maintain a piece of the lot for festivals. He stated the resolution is to consider all proposals for the parcels identified. He suggested after public comment to table the item until August 2, 2016.

Brian Reindl, Developer spoke in favor of the resolution. He believes it will be a signature building and an asset for downtown.

Alderman Petty moved to table the resolution to the August 2, 2016 City Council meeting. Alderman Marsh seconded the motion. Upon roll call the motion to table passed unanimously.

C-PZD 16-5408 (Wedington & Marinoni Dr/Cross Church): An ordinance to rezone that property described in rezoning petition RZN 16-5408 for approximately 24.60 acres at Wedington Drive and Marion Drive from C-2, Thoroughfare Commercial and UT, Urban Thoroughfare to C-PZD, Commercial Planned Zoning District. *This Ordinance was left of the first reading at the June 21, 2016 City Council Meeting.*

Alderman Petty 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.

City Attorney Kit Williams: I have a copy of the Bill of Assurance that had been submitted to you all with an exhibit showing the basic diagram, which they say they are going to be substantially compliant with.

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

Greg Taylor Representing Cross Church gave a brief description about the relocation of the church and background information on the property. He stated it is the churches intent to comply

with the most applicable zoning provided by the city for a single use church campus and church related activities. He believes the new campus will be a landmark for the City of Fayetteville and will offer a multitude of community services.

Alderman Marsh: The Bill of Assurance references the site plan. Does that tie us to that specific site plan before Planning Commission has had the opportunity to go through the large scale development process?

Jeremy Pate: Generally, no. When we see a Bill of Assurance it would tie conceptually to the building location. I think that is the intent here. It does not relieve the applicant or the city of following the city's ordinances that we have in place. The Planning Commission would review it, just like any other large scale development, and apply those same standards. If it changed dramatically because of those standards, we would need to bring that before the Council.

Alderman Marsh: If the Planning Commission decided they wanted to pull the building to one side of the site or the other, would they be tied in by the site plan attached to the Bill of Assurance?

Jeremy Pate: The Planning Commission is limited to reviewing a project to meet the minimum standards of the site, not necessarily recommending a building be moved around or changed in its nature if it meets those minimum requirements. By law the Planning Commission is required to approve that.

Alderman La Tour: I would like for us to be respectful of the church and their members. Right now they are putting up with parking in various parking lots. These parking lots are dangerous to worshippers. I ask you to rezone this property to P-1 as the church has requested.

Kevin Carpenter, 4506 West Flagstick Drive stated he served the church as the Volunteer Parking Director. He spoke about all of the parking lots being utilized on Wedington. He spoke about the challenges of parking and safety being a constant factor. He spoke in favor of the rezoning.

Phil McMichael, 4478 Brightwater in Springdale stated he is one of the pastors on staff at Cross Church. He spoke about the many ways the church is currently serving the City of Fayetteville on the church campus. He spoke in favor of the rezoning.

Steve Clark, Fayetteville Chamber of Commerce President spoke about the way the church provides economic development opportunities in the community. He spoke in favor of the rezoning.

Lorraine O'Neal, 3001 West Wedington stated she attends Cross Church. She spoke about the good works the church does for the community. She spoke in favor of the rezoning.

Alderman Petty: I received a memo today from our City Attorney. Could you please provide a summary?

City Attorney Kit Williams gave a brief description of the memo he wrote. He cited the case of *Fortress Bible Church v. Town of Greenburgh*. City Attorney Williams conclusion is that Cross

Church can construct by right a church on its own property on lots which are currently zoned Urban Thoroughfare and C-2, Thoroughfare Commercial. However, the burden of trying to build on lots with split zoning and opposing set back and build-to-requirements and whose property lines and road frontages will be moved back by the takings needed by the Arkansas Highway Department appear to be significant. Granting Cross Church's request for a single zoning district P-1, Institutional, especially designed and designated for church related organizations, would solve those development problems.

The location of the church on its property (like the proposed church in Greenburgh) seems to be only possible justification for a possible denial of Cross Church's rezoning request. He fears such a denial would result in the same reception in the Courts as the Town of Greenburgh received: an injunction to force approval and the imposition of substantial assessments for attorney's fees and costs and possible compensatory damages for delay. He recommends approval of this requested rezoning to comply with the *First Amendment*, federal and state law.

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

City Attorney Kit Williams read the ordinance.

Alderman Kinion and Alderman Schoppmeyer spoke in favor of the rezoning.

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

Ordinance 5889 as recorded in the office of the City Clerk

New Business:

Bid # 16-38 APAC-Central, Inc.: A resolution to award Bid # 16-38 and approve a contract with APAC-Central, Inc. in the amount of \$2,574,815.20 for the construction of improvements to Old Wire Road from Mission Boulevard to Ash Street, to approve a project contingency in the amount of \$386,222.00, and to approve a budget adjustment.

Jeremy Pate, Director of Development Services gave a brief description of the resolution. Staff is recommending approval.

Alderman Tennant: This is a wonderful project. It was one of the first things people asked about years ago. It connects many neighborhoods.

Alderman Petty moved to approve the resolution. Alderman Tennant seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 135-16 as recorded in the office of the City Clerk

VAC 16-5440 (2514 N. New School place/The New School): An ordinance to approve VAC 16-5440 submitted by Jorgensen and Associates, Inc. for property located at 2514 North New School Place 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. The Planning Commission voted 7-0 in support of the request. Staff is recommending 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 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 5890 as recorded in the office of the City Clerk

RZN 16-5438 (1094 Drake St./Pendergraft): An ordinance to rezone that property described in rezoning petition RZN 16-5438 for approximately 185 acres located at 1094 East Drake Street from R-O, Residential Office, R-A, Residential Agricultural and C-2, Commercial Thoroughfare to UT, Urban Thoroughfare.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission and staff are recommending approval.

Neal Pendergraft, Property Owner stated he would appreciate the support of City Council for the rezoning.

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

City Attorney Kit Williams read the ordinance.

Mayor Jordan: I look forward to this development.

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

Ordinance 5891 as recorded in the office of the City Clerk

RZN 16-5441 (NW Corner of Mt. Comfort & Salem Rd.Ghan-Cooper): An ordinance to rezone that property described in rezoning petition RZN 16-5441 for approximately 2.71 acres located at the northwest corner of Mount Comfort and Salem Road from R-A, Residential Agricultural to CS, Community Services.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission voted 5-1 in support of the request. Staff is recommending approval.

Bill Reed, 2555 North Trafalger Drive stated he was President of the Property Owners Association for Salem Heights. He voiced his concerns about property values, traffic safety, and aesthetics. He spoke in opposition of the rezoning.

Kyle Smith, 2801 West Dove Drive believes the type of business that goes in is going to set the tone for this corner and the general area. He hopes when the property is rezoned it will be developed with walkability and safety in mind.

Alderman Long: After getting feedback from residents in the area, it has taken us all the way back to the rezoning of the Kum & Go on Mount Comfort Road and what we as a Council communicated to a lot of the people here that came to speak that night. When we went forward with that Kum & Go, we didn't want to push commercial development any farther down Mount Comfort at the time. We are still at that same point in time because we don't have a resolution on Ruppel Road, at least the portion that goes from Mount Comfort to Wedington. It leaves some uncertainty for us because of traffic patterns. Looking at this specific place in between the Kum & Go and where we are going to be building the road on Ruppel is all residential. There is no commercial portions there. I don't think it fits with the neighborhood at this time. It could be revisited years from now when this area starts to develop a sense of community and has more services integrated.

Alderman La Tour: I think we are ready for development there. We need services in the area. This is a major four lane road. I share your concerns Alderman Long with traffic flows, but somebody has to be first. Wedington is fully developed, commercially. You can go over to Wedington pretty quickly, but during high traffic time it can be difficult to get there in five minutes. I don't like traffic any more than the next person, but traffic is a good thing to have. This is a cost we pay to live in a city. I support the request.

Alderman Long: I'm going to support my constituents that don't want this developed at this time. The main reason is for public safety. Ruppel is a two lane road where there has been more than one traffic death on the portion that is two blocks away. It connects Mount Comfort Road to Wedington. It is a very heavily traveled road and we haven't been able to complete that area. In the last few months in the Transportation Committee we have heard about the plans and when it may move forward. In the Transportation Committee we have heard from people in the surrounding neighborhoods who have had large issues with traffic around the two schools on Ruppel and Salem.

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

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-2. Alderman Marsh, Kinion, Petty, Schoppmeyer, La Tour, and Gray voting yes. Alderman Tennant and Long voting no.

Ordinance 5892 as recorded in the office of the City Clerk

RZN 16-5448 (2050 S. School Ave./Harmon): An ordinance to rezone that property described in rezoning petition RZN 16-5448 for approximately 8.08 acres located at 2050 South School Avenue from RSF-4, Residential Single Family, 4 units per acre and C-2, Commercial Thoroughfare to CS, Community Services.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission voted 7-0 in support of the request. Staff is recommending approval.

Alderman Marsh: I am excited to see this proposal for the change in zoning to bring more services and housing down to this area.

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 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 5893 as recorded in the office of the City Clerk

Crossland Construction Company, Inc. Change Order No. 12: A resolution to approve Change Order No. 12 to the contract with Crossland Construction Company, Inc. in the amount of \$436,555.00 to add the construction of a parking lot, sidewalk and associated road improvements at the Regional Park, to approve an additional project contingency in the amount of \$80,202.00, and to approve a budget adjustment.

Connie Edmonston, Parks & Recreation Director gave a brief description of the resolution. Staff is recommending approval.

City Attorney Kit Williams: Thank you, Mayor, for coming to our Rotary Club and accepting a \$100,000 check. Approving this parking lot to be built earlier and larger is going to inspire the Rotary Club to work even harder. We have another \$50,000 to go. This will show the City Council is on board and we're going to get the playground done as well as the parking lot.

Mayor Jordan: Thank you, Kit.

Don Marr, Chief of Staff: Thank you to the staff. The Council looks for us to bring cost savings opportunities to you. This is an opportunity for us to build this lot while we are already deployed on site constructing the park.

Alderman Long moved to approve the resolution. Alderman Tennant seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 136-16 as recorded in the office of the City Clerk

Announcements:

Don Marr, Chief of Staff: The Gulley Park Concert will be July 7, 2016 at 7:00 p.m. The entertainment will be Danielle Nicole.

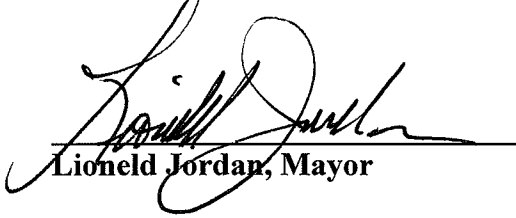
The Greedy Goats will be eating invasive plants at Wilson Park. The public is invited to attend. It will be July 6-9, 2016.

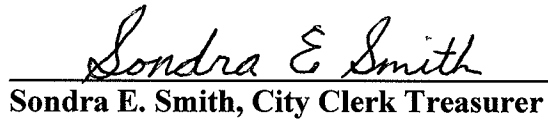
We opened our 40 space new trail head parking lot south of the Botanical Gardens. It is accessed from Highway 265 for additional parking for trail users. There is a new trail hydration station at this location.

City Council Agenda Session Presentations: None

City Council Tour: None

Adjournment: 7:10 p.m.


Lioneld Jordan, Mayor


Sondra E. Smith, City Clerk Treasurer