

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
November 1, 2016**

A meeting of the Fayetteville City Council was held on November 1, 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 Sarah Marsh, Mark Kinion, Matthew Petty, Martin Schoppmeyer, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Alderman Tennant, La Tour, and Gray were absent.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

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

Agenda Additions: None

Consent:

Approval of the October 18, 2016 City Council Meeting Minutes.

Approved

Repeal Resolution No. 180-16: A resolution to repeal Resolution No. 180-16, award Bid No. 16-60 and authorize the purchase of a prefabricated bridge in the amount of \$31,500.00 plus applicable sales taxes from Art Thureson, Inc. of Waterford, Michigan for installation on the Cato Springs Trail.

Resolution 192-16 as recorded in the office of the City Clerk

Southwind Hospitality Holdings, LLC Amendment No. 1: A resolution to approve Amendment No. 1 to the contract with Southwind Hospitality Holdings, LLC to reflect the correct number of parking spaces being leased in the Meadow Street Parking Deck, and to approve a credit in the amount of \$700.00 for past overpayment for two parking spaces.

Resolution 193-16 as recorded in the office of the City Clerk

Lexington Insurance Company: A resolution to authorize acceptance of insurance proceeds in the amount of \$457,925.07 from Lexington Insurance Company for necessary repair work on buildings located at the Fayetteville Executive Airport as a result of hail damage, and to approve a budget adjustment.

Resolution 194-16 as recorded in the office of the City Clerk

Garver, LLC Task Order No. 6: A resolution to approve Task Order No. 6 with Garver, LLC in the amount of \$25,000.00 for bid package development, bidding services and construction phase services for the Drake Field Airfield Roof Rehabilitation Project.

Resolution 195-16 as recorded in the office of the City Clerk

CH2M Hill Engineers, Inc. Change Order: A resolution to approve a change order to the Out-Of-Scope Agreement with CH2M Hill Engineers, Inc. in the amount of \$30,000.00 to continue work on a Use Attainability Analysis for the White River, and to approve a budget adjustment.

Resolution 196-16 as recorded in the office of the City Clerk

Sweetser Construction, Inc. Change Order No. 1: A resolution to approve Change Order No. 1 to the contract with Sweetser Construction, Inc. in the amount of \$390,568.20 for the relocation of approximately 1,100 feet of 12-inch water main associated with the Ruppel Road - Persimmon to Congressional Project.

Resolution 197-16 as recorded in the office of the City Clerk

Alderman Marsh moved to accept the Consent Agenda as read. Alderman Long seconded the motion. Upon roll call the motion passed 5-0. Alderman Tennant, La Tour, and Gray were absent.

Unfinished Business:

RZN 16-5550 (2155 N. Ruppel Rd./Hazen): An ordinance to rezone that property described in rezoning petition RZN 16-5550 for approximately 70 acres located East and West of Ruppel Road and South of Mount Comfort Road from RSF-1, Residential Single Family, 1 unit per acre; RSF-4, Residential Single Family, 4 units per acre and R-A, Residential Agricultural to CS, Community Services and R-A, Residential Agricultural. *At the October 4, 2016 City Council Meeting this ordinance was left on the first reading. At the October 18, 2016 City Council Meeting this ordinance was left on the second reading.*

No motion was made to go to the third reading. City Attorney Kit Williams read the entire ordinance.

City Attorney Kit Williams: Alderman Tennant emailed us and asked for this to be left on this reading and tabled until the next meeting. He is unavoidably out of town and wants to be here for this discussion. There is one four acre parcel I think should remain as its current zoning. I have the ordinance ready to go, but it would be better to present it to you at Agenda Session. It would give the applicant time to review it.

Jim Hazen, Property Owner gave a brief history of the property. He spoke about quality development. He spoke in favor of the rezoning.

Alderman Long stated Jared Dunn had contacted him and wanted to do a brief presentation. He stated Mr. Dunn has been in contact with Mr. and Mrs. Hazen.

A discussion followed about allowing a visual aid presentation.

Jared Dunn, 3632 South Tower Circle stated he was speaking on behalf of other citizens. He stated they aren't opposed to any non-residential use in the area or development. He voiced his concern with one of the permitted uses allowing gas stations and drive through restaurants. He doesn't believe it is appropriate for the area. He doesn't believe the area is adequate for rezoning until there are some infrastructure changes. He voiced concerns about intersection traffic and safety in the area.

Mayor Jordan: Next year we are supposed to completely redo that intersection so it is not as dangerous.

Jared Dunn: You have already rezoned the Razorback Golf Course and that is going to increase traffic.

Mayor Jordan: It is.

Jared Dunn: We don't know when the road is actually going to get finished.

Mayor Jordan: Chris, what is the timeline?

Chris Brown, City Engineer: The current plan for the Ruppel Road project is to begin in mid-2017. It is a 12 month to 18 month project.

Jared Dunn: I would like to see the infrastructure improved before we continue to rezone this area due to safety. I want us to be responsible with our rezonings.

Tom Terminella, Representing Mr. and Mrs. Hazen stated they had no issue with tabling it for two weeks. He stated the Hazens are respectfully asking for the 72.1 acres to be all considered at one time. He stated Mr. and Mrs. Hazen have a home that will remain R-A with up to 15 acres and are the largest stakeholders in making a quality development.

Alderman Petty moved to table the ordinance to the November 15, 2016 City Council meeting. **Alderman Schoppmeyer** seconded the motion. Upon roll call the motion passed 5-0. **Alderman Tennant**, **La Tour**, and **Gray** were absent.

This ordinance was tabled to the November 15, 2016 City Council meeting.

VAC 16-5571 (West Jupiter Dr./Jupiter Drive): An ordinance to approve VAC 16-5571 submitted by Jorgensen and Associates, Inc. to vacate a portion of Jupiter Drive from McGuire Street to the AEP Substation. *At the October 18, 2016 City Council Meeting this ordinance was left on the first reading.*

Alderman Long moved to suspend the rules and go to the second reading. **Alderman Petty** seconded the motion. Upon roll call the motion passed 6-0. **Mayor Jordan** voting yes. **Alderman Tennant**, **La Tour**, and **Gray** were absent.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: I sent a memo to you all. I feel like a small change of this ordinance should be considered by you. I received communication from Mr. Terminella about some suggestions he had for the conditions. I'm not asking for an amendment tonight because we need a full Council here to consider it. There are some things I am continuing to look at that might change my opinion on exactly how my Conditions of Approval would be worded. We should leave it on the Second Reading.

This ordinance was left on the Second Reading

Appeal of LSD 16-5488 the Macey Drive Townhomes: A resolution to grant the appeal of Tim Brisiel of Legacy Ventures and to approve Large Scale Development 16-5488 Macey Drive townhomes. *At the October 18, 2016 City Council Meeting this resolution was tabled to November 1, 2016.*

Jeremy Pate, Director of Development Services gave a brief description of the resolution. He stated public comment was made at the last meeting with concerns about a secondary point of

egress for the development. Staff did not recommend a secondary point and are in favor of the Large Scale Development as it was submitted. The Planning Commission split their vote on that particular decision. It was appealed in a timely fashion by the applicant. Mr. Pate went over a cost analysis to extend a road for the project.

Tim Brisiel, Legacy Ventures: It would be a significant infrastructure investment. It is coming in at \$500,000 or \$600,000 according to Mr. Pate. If this is something we are going to pursue, I would like the opportunity to meet with engineering staff and go over those numbers with our engineering team. If we need to pursue that I would like to table it this evening to go through those numbers for a firm understanding. My agreement in writing with the property owners is that I am going to deed the property back to them. It is the narrow sliver of land that touches Mount Comfort. It is a way for us to show road frontage and move forward with the project.

Robin Byers, 1879 North Pine Valley Drive: Are you going to table this and let him look at some of the options?

Mayor Jordan: I suspect we will table it.

City Attorney Kit Williams: If we are able to work out something and have a second access, they'll still have an access to your neighborhood, but it won't be the only access.

Robin Byers: That is a big relief.

Martha Clark, 2843 Riverridge Drive voiced her concerns about drainage, traffic, and high density housing. She stated \$31,000 had been set aside for the Parks Department to offset the removal of about 69% of the tree canopy that is there now. She spoke in opposition of the resolution.

Renee Hearon stated she was a 17 year resident. She is concerned about traffic, safety, and high density housing. She spoke in opposition of the resolution.

Jeremy Pate: A resident mentioned a \$31,000 contribution for trees. It is actually for parkland dedication for all residential projects. We have a parkland dedication ordinance. They fully meet the tree preservation ordinance on this site. They are meeting the minimum canopy requirements.

Alderman Petty: I counted close to 200 units in the existing subdivision. Can we verify that?

Jeremy Pate: There are 164 units, 82 duplexes.

Alderman Long moved to table the resolution to the November 15, 2016 City Council meeting. **Alderman Schoppmeyer** seconded the motion. Upon roll call the motion passed 5-0. **Alderman Tennant**, **La Tour**, and **Gray** were absent.

This resolution was tabled to the November 15, 2016 City Council meeting.

Amend Chapters 161, 162, and 164: An ordinance to amend Chapters 161 and 162 to rename and replace "Cottage Housing Development" with "Cluster Housing Development"; to rename Chapter 164 to **Supplementary Zoning Regulations and Specialized Development Requirements**, to replace §164.22 **Cottage Housing Development** with §164.22 **Cluster Housing Development** and make further amendments to §164.22. *At the October 18, 2016 City Council Meeting this ordinance was left on the first reading.*

Alderman Long moved to suspend the rules and go to the second reading. **Alderman Petty** seconded the motion. Upon roll call the motion passed 6-0. Mayor Jordan voting yes. **Alderman Tennant, La Tour, and Gray** were absent.

City Attorney Kit Williams read the ordinance.

Alderman Marsh moved to suspend the rules and go to the third and final reading. **Alderman Petty** seconded the motion. Upon roll call the motion passed 6-0. Mayor Jordan voting yes. **Alderman Tennant, La Tour, and Gray** were absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan: This is a real good ordinance, **Alderman Petty**.

Alderman Petty: Thank you.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-0. **Alderman Tennant, La Tour, and Gray** were absent.

Ordinance 5921 as Recorded in the office of the City Clerk

New Business:

RZN 16-5588 (407 N. Mtn. Ranch Blvd./Striker Development): An ordinance to rezone that property described in rezoning petition RZN 16-5588 for approximately 3.65 acres located at 407 North Mountain Ranch Boulevard from RSF-4, Residential Single Family to NC, Neighborhood Conservation.

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 voted in favor 8-0.

Blake Jorgensen, Jorgensen & Associates stated he appreciated the support of staff on the project.

Alderman Long moved to suspend the rules and go to the second reading. **Alderman Marsh** seconded the motion. Upon roll call the motion passed 6-0. Mayor Jordan voting yes. **Alderman Tennant, La Tour, and Gray** were 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 6-0. Mayor Jordan voting yes. Alderman Tennant, La Tour, and Gray were absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-0. Alderman Tennant, La Tour, and Gray were absent.

Ordinance 5922 as Recorded in the office of the City Clerk

RZN 16-5594 (15 S. West/Kolberg): An ordinance to rezone that property described in rezoning petition RZN 16-5594 for approximately 0.37 acres located at 15 South West Avenue from NC, Neighborhood Conservation to MSC, Main Street/Center.

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 voted in favor 7-1.

Mark Kolberg, Applicant stated he would be happy to answer any questions.

Alderman Marsh moved to suspend the rules and go to the second reading. Alderman Long seconded the motion. Upon roll call the motion passed 6-0. Mayor Jordan voting yes. Alderman Tennant, La Tour, and Gray were absent.

City Attorney Kit Williams read the ordinance.

Alderman Marsh moved to suspend the rules and go to the third and final reading. Alderman Petty seconded the motion. Upon roll call the motion passed 6-0. Mayor Jordan voting yes. Alderman Tennant, La Tour, and Gray were absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-0. Alderman Tennant, La Tour, and Gray were absent.

Ordinance 5923 as Recorded in the office of the City Clerk

Amendment to a Bill of Assurance (NE Corner of Morningside & 15th St./Rausch Coleman): An ordinance to amend Ordinance No. 5897 by modifying the Bill of Assurance to permit the realignment of a protected stream.

City Attorney Kit Williams read the ordinance.

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

Jesse Fulcher, Rausch Coleman stated their commitment to preserve these natural areas is still in effect. He stated it would be a much improved true stream corridor.

Alderman Marsh moved to suspend the rules and go to the second reading. **Alderman Long** seconded the motion. Upon roll call the motion passed 6-0. Mayor Jordan voting yes. **Alderman Tennant, La Tour, and Gray** were absent.

City Attorney Kit Williams read the ordinance.

Alderman Marsh moved to suspend the rules and go to the third and final reading. **Alderman Petty** seconded the motion. Upon roll call the motion passed 6-0. Mayor Jordan voting yes. **Alderman Tennant, La Tour, and Gray** were absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-0. **Alderman Tennant, La Tour, and Gray** were absent.

Ordinance 5924 as Recorded in the office of the City Clerk

UARK Credit Union Rezoning Appeal: An ordinance to rezone that property described in rezoning petition RZN 16-5589 for approximately 0.37 acres located at 714 West Martin Luther King Boulevard and 511 Hill Avenue from RMF-40, Residential Multi Family, 40 units per acre to C-1, Neighborhood Commercial.

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 split their vote 3-4 and 1 member recusing.

Blake Jorgensen, Jorgensen & Associates: We went through options for our zoning and went forward with the C-1 zoning. Since the bulk of the property was already there we wanted to reabsorb the surrounding multi-family to be consistent with the C-1.

Alderman Petty: The applicant is the UARK Credit Union. Is that part of the University of Arkansas system? Would they be subject to our zoning and development regulations or would they be under state?

Jeremy Pate: I do not believe they are part of the university state system.

Blake Jorgensen, Jorgensen & Associates: As a credit union they are not associated. They collectively serve multiple portions of this community. That is part of why they moved their bank north to Van Asche recently. They found that they left some of their customers in the south portion of town. They are trying to make a micro bank. It will serve people from all aspects. They serve University of Arkansas students, but they are not a University of Arkansas based business.

City Attorney Kit Williams: Many city employees are members of the credit union, as I am. They have worked with the city in various events. They serve the city, county, and university employees.

Alderman Marsh: This is an extraordinarily high densely populated intersection. The area just south of this with the four large apartment complexes make this one of Fayetteville's densest housing areas. Why are you applying for an auto-centric style form of development as opposed to a pedestrian friendly form of development, such as one of our form based zones?

Blake Jorgensen: The parcels to the west and the east were multi-family and the core of it was already commercial. The commercial portion allowed for the use by right. We went along with that stream of thought. We had already submitted it. Once we got to Planning Commission the timeline for the contract was such that we couldn't pull it. Based on the time constraints we proceeded as is to get where we are at now. If we had went with form based zoning we would have had to request a variance based on the layout of the property. The layout of the property is such a wedge that we couldn't have got building frontage to meet the requirements. There will be multiple pedestrian access points. Regardless of the zoning, the product will be the same.

Alderman Marsh: At this intersection we have done a terrible job with building an urban form. I can see this intersection from my office window. People are constantly dodging cars and trying to find other places to cross. They have moved the university's art and design district down there. It is an important pedestrian intersection. By putting in any C zonings we are further setting ourselves up for failure. People are going to start choosing to drive because that intersection is so difficult to navigate to walk.

Blake Jorgensen: If it was 2 to 4 acres I could see a deviation in the development pattern. Nothing functionally is going to change based on zoning. You can only get a 2,000 square foot bank on that small footprint regardless of the zoning type. It is consistent with the other land use that has been adopted.

A discussion followed about holding it for two weeks.

This ordinance was left on the First Reading

WG Land Company Appeal: An ordinance to rezone that property described in rezoning petition RZN 16-5590 for approximately 23 acres located Northeast of McGuire Street and Van Asche Drive from C-2, Thoroughfare Commercial and C-3, Central Commercial to C-3, Central Commercial.

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 split their vote 3-5. Several commissioners had concerns that C-3 zoning was not consistent with the city's goals for traditional development patterns under form based zoning.

Tom Terminella, Representing WG Land: We are attempting to plan and design multiple phases of multi-family high density residential development. I ask that you leave it on the first or second reading and bring this up in two when we also bring the Jupiter Road vacation back.

Mayor Jordan confirmed with Council that they would leave it on the first reading.

This ordinance was left on the First Reading

Announcements:

Don Marr, Chief of Staff: The city is seeking responses to our Mobility Transportation Master Plan survey. The survey can be found on the City of Fayetteville website.

The Invasive Species Removal Workshop is November 2, 2016 from 4:00 p.m. to 6:00 p.m. at Veterans Park.

A section of Skull Creek Trail is closed from Gordon Long Park to Appleby Road during the day for trail maintenance. It will be closed October 31, 2016 through November 14, 2016 from 7:00 a.m. to 3:30 p.m. It will be open at nights and on the weekends.

Early voting is taking place and can be done in multiple locations in Fayetteville. You can check the Washington County Election Commission site for those locations. Agenda Session for next Tuesday has been moved to Thursday due to Election Day.

Alderman Long: They are having early voting on Saturday.

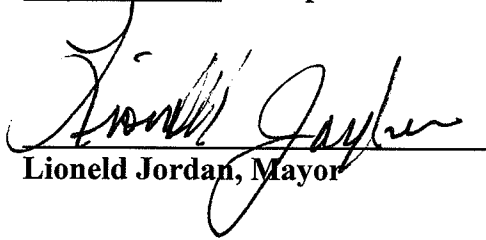
Alderman Kinion: We will be considering 24 openings in commissions and committees. There is an application deadline of November 23, 2016 at 5:00 p.m. If you are interested you can go to the city website and see what openings we have. I encourage everyone to take a look at it.

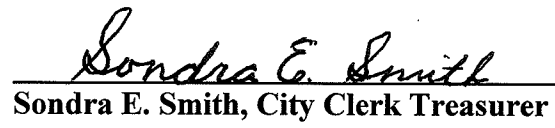
City Council Agenda Session Presentations:

Agenda Session Presentation - Update on the Fayetteville Mobility Plan by the city's consultant, Nelson/Nygaard.

City Council Tour: None

Adjournment: 6:41 p.m.


Lioneld Jordan, Mayor


Sondra E. Smith, City Clerk Treasurer