

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



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

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra E. Smith

**City of Fayetteville Arkansas
City Council Meeting
November 15, 2016**

A meeting of the Fayetteville City Council was held on November 15, 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.

The meeting started at 5:35 p.m.

PRESENT: Alderman Adella Gray, Sarah Marsh, Justin Tennant, Martin Schoppmeyer, 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:

City Council Presentation of the 2015 Annual Audit Report Presented by Paul Becker

Paul Becker, Chief Financial Officer gave the 2015 Audit Report. He stated the report is on the City of Fayetteville website for inspection and the city was issued a clean opinion.

Mayor Jordan: Thank you, Paul.

Agenda Additions: None

Consent:

Approval of the November 1, 2016 City Council Meeting Minutes.

Approved

John Deere Company: A resolution to authorize the purchase of a John Deere 310L backhoe from John Deere Company of Moline, Illinois in the amount of \$90,316.56, pursuant to a National Joint Powers Alliance cooperative purchasing agreement, for use by the Recycling and Trash Collection Division.

Resolution 198-16 as recorded in the office of the City Clerk

UA Properties, LLC Cost Share Agreement: A resolution to approve a 50/50 cost share agreement with UA Properties, LLC for construction of a water main along a portion of Smith Avenue between West Markham Road and North Thomas Avenue at a total cost of \$13,912.68.

Resolution 199-16 as recorded in the office of the City Clerk

2016 Arkansas Department of Environmental Quality Grant: a resolution to authorize acceptance of a 2016 Arkansas Department of Environmental Quality grant through the Boston Mountain Solid Waste District in the amount of \$10,000.00 to continue the E-Waste Coupon Redemption Program, and to approve a budget adjustment.

Resolution 200-16 as recorded in the office of the City Clerk

Destruction of Certain Records: A resolution to authorize the destruction of certain records shown on the attached affidavits pursuant to relevant code sections of the Arkansas Code Annotated related to maintenance and destruction of accounting and other city records.

Resolution 201-16 as recorded in the office of the City Clerk

JBZ, Inc. d/b/a Ellingson Contracting Change Order No. 2: A resolution to approve Change Order No. 2 to the contract with JBZ, Inc. d/b/a Ellingson Contracting in the amount of \$17,455.00 for site drainage improvements related to the Fayetteville Senior Center Kitchen Expansion Project, and to approve a budget adjustment recognizing Community Development Block Grant funds for the project in the amount of \$95,000.00.

Resolution 202-16 as recorded in the office of the City Clerk

2016 Bulletproof Vest Partnership Program: A resolution to authorize acceptance of a fifty percent (50%) matching grant award from the 2016 Bulletproof Vest Partnership Program in the amount of \$13,237.00 for the replacement of body armor vests for Fayetteville Police Officers and to approve a budget adjustment.

Resolution 203-16 as recorded in the office of the City Clerk

Alderman Marsh moved to accept the Consent Agenda as read. Alderman Gray seconded the motion. Upon roll call the motion passed 5-0. Mayor Jordan voting yes. Alderman Kinion, Petty, La Tour, and Long 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. At the November 1, 2016 City Council meeting this ordinance was tabled to November 15, 2016.*

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: I got an email from Alderman Long who is out of state for a family emergency. He asked that this not be acted on tonight. He requested for it to be tabled.

Don Marr, Chief of Staff: I got the same request from Alderman Long.

City Attorney Kit Williams: To pass any ordinance or resolution requires five affirmative votes. Tonight it would require a unanimous vote for Council members and for Mayor Jordan to pass any resolution or ordinance. We can't suspend the rules and go to a second reading or third reading on an ordinance because it requires six votes. We only have five people here. I want the applicants to be aware of this.

Alderman Marsh: I recommend we follow Alderman Long's request and hold this until the next meeting.

Alderman Marsh moved to table the ordinance to the December 6, 2016 City Council meeting. Alderman Tennant seconded the motion. Upon roll call the motion passed 5-0. Mayor Jordan voting yes. Alderman Kinion, Petty, La Tour, and Long were absent.

This ordinance was tabled to the December 6, 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. At the November 1, 2016 City Council meeting this ordinance was left on the second reading.*

City Attorney Kit Williams: Last month I sent a proposed revised ordinance to City Council. Rather than reading the old one, I would like you to amend to the revision I sent you before I read the third and final reading.

Mayor Jordan: Has everybody had a chance to read the amendment?

City Attorney Kit Williams stated the revision explains the four conditions of approval in more detail.

Alderman Marsh: Under item 4 it says that all the owners of the vacated property right-of-way shall contractually agree in writing that upon or before 50% or more of the property they now own north of Van Asche. What happens if the property is sold before it is developed?

City Attorney Kit Williams: That is why the contract is for property they now own. Once they have signed the contract, then their sale will be conditioned upon this requirement. I can only make it with the people that actually now own the property. Part of the agreement will be if they sell, they have to sell contingent upon this agreement.

Alderman Marsh: What if they sell to multiple property owners? Who does it fall upon to fulfill the terms of this agreement?

City Attorney Kit Williams: The property owner that signed the contract will have that duty on them. They will need to be very careful as they sell their property to make sure they don't end up selling the property having nothing left and have to pay for the roads. I anticipate the agreement would have a deed restriction on it to obey this particular part of the agreement.

Alderman Marsh: If this current owner were to go bankrupt after selling off these parcels, do we have the mechanism to enforce them to build the road? Do we prohibit future development of those parcels?

City Attorney Kit Williams: No. I think with the deed restriction it would go with the land too. They would have to put a restriction on their deed to fulfill this agreement. This has to be an agreement that will be to the city's satisfaction. Even if we didn't have any agreement like this, there are going to be additional roads when the property develops. This is an extra protection.

Jeremy Pate, Director of development Services: I agree with Mr. Williams that this is a safeguard. Before the existing road is closed we will have an understanding through this contract that there will be future construction. The Planning Commission reviews Large Scale Developments. This will be the same process we go through here.

Alderman Gray moved to amend the ordinance so that it explains the four conditions of approval in more detail. Alderman Tennant seconded the motion. Upon roll call the motion passed 5-0. Mayor Jordan voting yes. Alderman Kinion, Petty, La Tour, and Long were absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan: Kit, these were the terms you put together and they agreed to all of those?

City Attorney Kit Williams: Yes, I believe they have. They have a representative here.

Blake Jorgensen, Jorgensen & Associates: We agree with the new language adopted.

City Attorney Kit Williams: The Planning Department recommended in favor of this?

Jeremy Pate: Yes. The Planning Commission recommended in favor. We feel more comfortable with the conditions clarified by Mr. Williams.

Mayor Jordan: I feel more comfortable that they have agreed to Kit's recommendations.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-0. Mayor Jordan voting yes. Alderman Kinion, Petty, La Tour, and Long were absent.

Ordinance 5925 as Recorded in the office of the City Clerk

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. At the November 1, 2016 City Council meeting this resolution was tabled to November 15, 2016.*

Mayor Jordan: I understand that Alderman Long wants to hold this one.

Jeremy Pate, Director of Development Services: I spoke to the applicant today. They have requested it to be tabled for two weeks. They are working on some potential solutions to reduce the density for the project. They have been speaking with Alderman Long and neighbors.

Don Marr, Chief of Staff read an email from Alderman Long confirming what Jeremy Pate just explained.

Alderman Tennant moved to table the resolution to the December 6, 2016 City Council meeting. Alderman Gray seconded the motion. Upon roll call the motion passed 5-0. Mayor Jordan voting yes. Alderman Kinion, Petty, La Tour, and Long were absent.

This resolution was tabled to the December 6, 2016 City Council meeting.

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. *At the November 1, 2016 City Council meeting this ordinance was left on the first reading.*

City Attorney Kit Williams read the ordinance.

This ordinance was left on the Second 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. *At the November 1, 2016 City Council meeting this ordinance was left on the first reading.*

City Attorney Kit Williams read the ordinance.

This ordinance was left on the Second Reading

New Business:

Bid No. 16-59 Truck Centers of Arkansas: A resolution to award Bid No. 16-59 and authorize the purchase of three (3) Freightliner dump trucks from Truck Centers of Arkansas in the total amount of \$404,865.00 for use by the Transportation Services Department.

Mayor Jordan: Alderman La Tour asked for this to be pulled from the consent agenda.

Joey Smith, Assistant Transportation Manager gave a brief description of the resolution.

Don Marr, Chief of Staff: This went to the Equipment Committee and was passed.

Alderman Marsh moved to approve the resolution. Alderman Gray seconded the motion. Upon roll call the resolution passed 5-0. Mayor Jordan voting yes. Alderman Kinion, Petty, La Tour, and Long were absent.

Resolution 204-16 as recorded in the office of the City Clerk

Bid No. 16-62 American Fire Training Centers, Inc.: A resolution to award Bid No. 16-62 and authorize the purchase of a mobile fire training simulator from American Fire Training Centers, Inc. of Lockport, Illinois in the amount of \$609,000.00 plus applicable sales taxes for use by the Fire Department.

Mayor Jordan: Alderman La Tour asked for this to be pulled from the consent agenda.

David Dayringer, Fire Chief gave a brief description of the resolution. He stated it was one of the best things that has happened at the Fire Department. He stated the purchase of the training tower will have the greatest, far reaching act that the Mayor and City Council have done for the Fire Department in the history of the City of Fayetteville.

Mayor Jordan: Thank you, Chief.

City Attorney Kit Williams: Thank you for obtaining the grant so that we can have this almost totally at FEMA's cost, with very little put in by us. Thank you for your work.

Don Marr, Chief of Staff: We have lobbied for this type of funding from the Federal government quarterly for the last year and a half. In an effort so our citizens did not have to pay the bulk of this. We come to you before we request going for these types of grants.

Alderman Tennant: One of the reasons it gets overlooked of why Fayetteville is recognized nationally as a wonderful place to live is because of our Fire Department and the job they do. Something like this improves the safety of our firefighters and citizens. This particular dollar amount, especially since we don't have to come up with it, is a bargain with the lives it is going to save. Thank you to everyone at the Fire Department.

Aubrey Shepherd stated it is a wonderful thing to do.

Alderman Marsh moved to approve the resolution. Alderman Gray seconded the motion. Upon roll call the resolution passed 5-0. Mayor Jordan voting yes. Alderman Kinion, Petty, La Tour, and Long were absent.

Resolution 205-16 as recorded in the office of the City Clerk

RZN 16-5609 (1764 N. Starr Rd./Hays): An ordinance to rezone that property described in rezoning petition RZN 16-5609 for approximately 26.83 acres located at 1764 North Starr Road from RSF-1, Residential Single Family, 1 unit per acre to RSF-4, Residential Single Family, 4 units per acre.

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 recommends approval.

Brett Watts, Bates & Associates stated the applicant would like to keep the ponds and the existing trees as is. He stated he would like for it to be cluster housing. He wants to maximize the green space and minimize infrastructure.

Aubrey Shepherd stated it was a good change with the items that Mr. Watts discussed.

This ordinance was left on the First Reading

RZN 16-5633 (2350 W. Wedington Dr./Upton): An ordinance to rezone that property described in rezoning petition RZN 16-5633 for approximately 0.80 acres located at 2350 West Wedington drive from RSF-4, Residential Single Family, 4 units per acre to NS, Neighborhood Services.

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 unanimously in support of the request.

Jeff Upton, Applicant: I bought the building as a commercial building and then found out it was zoned residential. I'm in hopes of moving my locksmith shop there as a permanent home.

This ordinance was left on the First Reading

RZN 16-5598 (1777 S. Smokehouse Trail/Ozark Mountain Smokehouse): An ordinance to rezone that property described in rezoning petition RZN 16-5598 for approximately 3.74 acres located at 1777 South Smokehouse Trail from R-A, Residential Agricultural to UT, Urban Thoroughfare.

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 6-0 in favor of the request.

Frank Sharp, Applicant gave a historical overview of the area.

City Attorney Kit Williams: I would like to acknowledge Frank as one of the leading proponents of the Walton Arts Center. He led many hikes up Kessler Mountain and was the primary champion of our new Regional Park at Mount Kessler. We owe you a debt of gratitude for what you have done for our city.

Alderman Tennant: If we do this and then in the future the land is marketed for sale, what can't go in there?

Jeremy Pate: Urban Thoroughfare is one of our more comprehensive districts. It is a full mixed use zone. There are a number of commercial uses that are permitted as well as residential uses. Urban Thoroughfare has been utilized along our major corridors. It allows for higher height limits and there is no density limitation. It allows for a number of uses such as office, financial, restaurant, commercial, and retail.

Alderman Tennant: That's what I was hoping. This is an extremely important corner with what we have done there. I wanted to make sure we were planning for the future.

Jeremy Pate: Last year staff brought forward a rezoning request of about 600 acres along Ruppel Road in preparing for our future growth. Not just residential, but future commercial services that would serve the west side of Fayetteville. This would be a natural extension of the Urban Thoroughfare directly across the street.

Alderman Tennant: Thank you, Jeremy.

Aubrey Shepherd: When is the stoplight?

Mayor Jordan: Sometime in January.

Don Marr, Chief of Staff: The city requested this stoplight a while ago so it could potentially be in place prior to the road opening. It did not happen. Thank you to our commissioner who allowed us to get that at least on the timeframe that we are on today.

Mayor Jordan: Yes, absolutely.

This ordinance was left on the First Reading

Amend §31.18 District Judge Compensation: An ordinance to amend §31.18 **District Judge Compensation** because the District Judge of Washington County District Court, Fayetteville Department will on January 1, 2017 become a full time state employee.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams gave a brief description of the ordinance. He stated he brought the item forward to recognize a state law change.

This ordinance was left on the First Reading

Amend §33.350 Purpose and Establishment and §33.351 Composition: An ordinance to amend §33.350 **Purpose and Establishment** and §33.351 **Composition** of Article XXIII **Active Transportation Advisory Committee** of the Fayetteville City Code to expand the scope of the committee's duties, to recommend that the City Council appointee should also serve on the Transportation Committee, and to establish a time for the election of the committee chair.

City Attorney Kit Williams read the ordinance.

Alderman Marsh: The Active Transportation Advisory Committee has noticed a trend in seeing a lot of the transportation plans too late for us to make meaningful improvements, without generating costly redesigns or change orders. This is designed to get us information sooner so we can optimize the design process. It will reduce the amount of back and forth, as well as improve our active transportation network to the greatest extent possible. We felt there was a lack of continuity between the Active Transportation Advisory Committee and the Transportation Committee. We are recommending, but not requiring, that at least one of the representatives on the Transportation Committee is also the representative on the Active Transportation Committee.

Matt Mihalevich, Trails Coordinator: The current language was a little bit dated and we were running into some issues. This will help clarify things.

Don Marr, Chief of Staff: Alderman Petty would like to ask the Council to hold the item so that he may weigh in on the discussion.

This ordinance was left on the First Reading

Fayetteville Police Department Policies: A resolution to approve Fayetteville Police Department Policies 1.2.1 Limits of Authority; 1.2.2 Warrantless Detention, Search and Seizure; 1.3.1 Use of Force; 1.3.4 Less Lethal Weapons and Defensive Tactics; 1.3.6 Officer-Involved Shooting; and 22.3 Secondary Employment.

Greg Tabor, Chief of Police gave a brief description of the resolution.

Alderman Tennant: One of the main reasons this city is looked at, as one of the top places to live in this country, is because of our Police Department and Fire Department. They are the best in this nation and I am proud of what they do. This puts people at ease more and provides information to citizens. It helps keep us safe.

Alderman Gray: I feel very fortunate to have an excellent Police Department. I am happy to make any adjustments that clarify policies. Thank you.

Alderman Gray moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the resolution passed 5-0. Mayor Jordan voting yes. Alderman Kinion, Petty, La Tour, and Long were absent.

Resolution 206-16 as recorded in the office of the City Clerk

Announcements:

Don Marr, Chief of Staff: On November 24th and 25th city offices will be closed for Thanksgiving.

The city is currently taking survey input for our Fayetteville Mobility Plan. It can be found on the City of Fayetteville website.

We want to remind citizens that proper leaf disposal impacts on our flooding and water quality. We encourage citizens not to put leaves in the storm drains or gutters. It results in potential flooding in high water events. It also adds added nutrients, phosphorous and nitrogen that impact our water quality. It saves rate payers by properly disposing of them. We have a yard waste program where they can bag their leaves and leave them at the curb. We take them for you weekly. Please utilize that service.

The last Fall Bulky Waste cleanup is Saturday, November 19, 2016 from 7:00 a.m. to 2:00 p.m. Information is on the City of Fayetteville website.

We are going to be testing our new Code Red emergency notification system. It will be conducted on November 16, 2016 at 10:00 a.m. This test is designed to test the capacity of the system to see that our infrastructure can handle the number of calls to all citizen landlines. This is a change in our system. We used to use Everbridge for both emergency and non-emergency notifications. We have changed to Code Red. It is the same system that the county uses. It will only be used for emergency situations. It does not allow citizens to opt out. It is our 911 database. It would be used in situations of catastrophic events.

On November 18, 2016 will be the Lights of the Ozarks Lighting Ceremony.

On November 19, 2016 at 8:00 a.m. is the budget meeting for the 2017 budget.

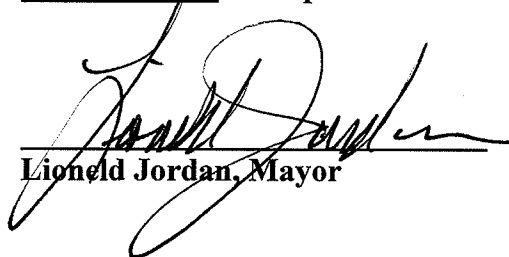
On November 19, 2016 there will be a ribbon cutting at 9:50 a.m. at the Walton Arts Center for the grand re-opening celebration. Free parking will be at the West Avenue lot and the Spring Street Parking Deck for the event. The Walton Arts Center has planned numerous free events for citizens throughout the entire day and evening. Information is on the City of Fayetteville or Walton Arts Center websites,

City Council Agenda Session Presentations:

Agenda Session Presentation - Economic Development Quarterly Presentation - Chamber of Commerce.

City Council Tour:

Adjournment: 6:42 p.m.



Lioneld Jordan, Mayor



Sondra E. Smith, City Clerk Treasurer