

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
December 6, 2016**

A meeting of the Fayetteville City Council was held on December 6, 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, Matthew Petty, Justin Tennant, Martin Schoppmeyer, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Alderman Schoppmeyer arrived at 5:35 p.m.

Alderman La Tour and Kinion were absent.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports, and Discussion Items:

Mayor Confirmation of the Public Facilities Board Appointment

City Attorney Kit Williams gave a brief description about the reappointment of Phillip Taylor to the Public Facilities Board.

Alderman Long moved to approve the appointment. Alderman Petty seconded the motion. Upon roll call the motion passed 5-3. Alderman Schoppmeyer was absent during the vote. Alderman La Tour and Kinion were absent.

Report of Operating Results for the 3rd Quarter 2016 - Paul Becker

Paul Becker, Chief Financial Officer gave the 3rd Quarter Operating Results Report for 2016. He stated the City of Fayetteville is having a very good year.

Agenda Additions: None

Consent:

Approval of the November 15, 2016 City Council Meeting Minutes.

Approved

Community Resources Department Donations: A resolution to approve a budget adjustment in the total amount of \$33,355.00 representing donations to Ranger's Pantry and the Senior Giving Tree and Community Development Block Grant program income received from four housing lien payoffs.

Resolution 207-16 as recorded in the office of the City Clerk

Fire Station No. 5 Ice Machine Purchase: A resolution to approve a budget adjustment in the amount of \$3,593.00 recognizing revenue from the sale of used generators on GovDeals.com and increasing the related expense budget for the purchase of an ice machine for Fire Station No. 5.

Resolution 208-16 as recorded in the office of the City Clerk

Arkansas State Highway and Transportation Department Mud Creek Trail: A resolution to approve an agreement of understanding with the Arkansas State Highway and Transportation Department for the acceptance of an 80/20 Arkansas Transportation Alternatives Program Federal-Aid Grant in the amount of \$500,000.00 for the installation of lighting along Mud Creek Trail and portions of the Razorback Regional Greenway, and to approve a budget adjustment.

Resolution 209-16 as recorded in the office of the City Clerk

Arkansas State Highway and Transportation Department Maple Street to Frisco Avenue: A resolution to approve an agreement of understanding with the Arkansas State Highway and Transportation Department for the acceptance of an 80/20 Arkansas Recreational Trails Program grant in the amount of \$56,000.00 for the repair of a damaged section of the Razorback Regional Greenway from Maple Street to Frisco Avenue, and to approve a budget adjustment.

Resolution 210-16 as recorded in the office of the City Clerk

2017 T-Hangar Lease Agreements: A resolution to approve T-Hangar lease agreements in 2017 at the current rental rate or as adjusted upward by the Airport Board for all T-Hangars rented at the Fayetteville Executive Airport.

Resolution 211-16 as recorded in the office of the City Clerk

Kansas E3, LLC: A resolution to approve an agreement with Kansas E3, LLC for the hauling and recycling of solid waste generated from construction and demolition activities in the City of Fayetteville.

Resolution 212-16 as recorded in the office of the City Clerk

Ground-Cherry Creek: A resolution to name the unnamed tributary on the south side of Kessler Mountain Regional Park "Ground-Cherry Creek".

Resolution 213-16 as recorded in the office of the City Clerk

RFP No. 16-07 Lake Sequoyah Marina Operator Contract: A resolution to award RFP No. 16-07 and approve the Lake Sequoyah Marina Operator contract with Michael McBride in the amount of \$22,800.00 for services in 2017, with automatic renewals for up to four additional one year terms contingent upon annual budget approval.

Resolution 214-16 as recorded in the office of the City Clerk

Amended Restated Articles of Incorporation of the Walton Arts Center Foundation, Inc.: A resolution to approve the amended and restated Articles of Incorporation of the Walton Arts Center Foundation, Inc. and to authorize Mayor Jordan's signature thereon.

Resolution 215-16 as recorded in the office of the City Clerk

City and Community Access Television, Inc. d/b/a Your Media: A resolution to approve a renewal of the contract with Community Access Television, Inc. d/b/a Your Media in the amount of \$157,520.04 for the provision of public access television services and the operation of the public access television channel through 2017, contingent on approval of the 2017 annual city budget.

Resolution 216-16 as recorded in the office of the City Clerk

Alderman Tennant moved to accept the Consent Agenda as read. Alderman Marsh seconded the motion. Upon roll call the motion passed 6-2. Alderman La Tour and Kinion were absent.

Unfinished Business:

RZN 16-5550 (2155 N. Rupple Rd./Hazen): An ordinance to rezone that property described in rezoning petition RZN 16-5550 for approximately 70 acres located east and west of Rupple 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. At the November 15, 2016 City Council meeting this ordinance was left on the Third Reading and tabled to December 6, 2016.*

Jim Hazen, Property Owner spoke about quality development. He spoke in favor of the rezoning.

Elizabeth Mongeau, 4600 West Tupelo Way stated her concerns about increased traffic, proximity of the land to Holt Middle School, and crime that could develop from the businesses. She believes West Fayetteville is a patchwork development. She spoke in opposition of the ordinance.

Eddie Glisson, 3568 West Mount Comfort Road has seen the area grow from open farm land to being surrounded by subdivisions and car lots. He stated he has no concerns about the rezoning. He stated there is a four lane thoroughfare planned for the near future that will collect traffic. He spoke in favor of the ordinance.

Tony Hardin, 3670 West Mountain Comfort Road has seen things change in the area over the years. He knows the Hazens are going to build something nice. He spoke in favor of the ordinance.

Judy Hazen, Property Owner stated she and her husband take pride in their property. They don't necessarily want to develop, but they are aging and it is time to do something. She knows growth is going to happen. She spoke about a quality development.

Alderman Long: I have met with a lot of the neighbors, including the Hazens. The concerns I've heard from people revolve around being able to cross Mount Comfort safely with their children. Once the road goes in we will see major improvements with more adequate crosswalks. One of the concerns I have is the right-of-way acquisition the city will go through.

City Attorney Kit Williams: On this particular piece of land we have already acquired some right-of-way to the creek. South of the creek toward the old Rupple Road, we haven't acquired that yet. I don't anticipate any problems from this rezoning that would be affected by it. I want the City Council to vote what is best for this land and not worry about having to acquire any kind of right-of-way. Originally, I was concerned about a four acre parcel, but they have told us they are planning on filling it in with topsoil so that they still will be able to develop. They don't believe they will have access problems even with this heightened zoning. Mr. Hazen is that what you have talked about?

Jim Hazen: Our planning would take into account adjusting the terrain to meet the requirements for whatever we design for the property.

City Attorney Kit Williams: We are going to have to have a retaining wall for the road section. In order to access that road you would have to build your property up high enough to get over that.

Jim Hazen: There will be an access road provided to the property whether we develop it or not. Whatever goes in there will have to be appropriate for the amount of access it has. We wouldn't put something in there that's going to require constant traffic when you have limited access.

City Attorney Kit Williams: I don't think that's a real problem at this point.

Alderman Long: Mr. Hazen, one of the things you communicated to me back in 2012 was about safety on Ruppel Road due to a traffic death. Do you think there could be increased traffic on Ruppel prior to the road being done due to development on the area you want to develop?

Jim Hazen: This is a three to ten year program. It will take up to three years to get it designed, find investors, and start construction. Surely the road will be improved that is planned for next year. The death you were talking about was on the old Ruppel Road because of the curve and that's what the new construction of the road was to fix. I don't think that is an issue. This whole rezoning is to give us a platform to start finding investors and plans that would be suitable. We can't ask people to come in and invest into a piece of property when they don't know what the zoning is going to be.

Alderman Long: Do we have an estimate on the date when the road improvement will start?

Chris Brown, City Engineer: We are asking the Highway Department for permission to begin the acquisition. They have to review the right-of-way plans to make sure the documents are all in place. I'm expecting we will have that by the end of this year. We are counting on four to six months to complete the acquisition and then get authorization to advertise the project. My best guess is the middle of next year we will be ready to go to construction. It is a 12 to 18 month construction project.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance failed 3-3. Alderman Petty, Gray, and Marsh voting yes. Alderman Tennant, Schoppmeyer, and Long voting no. Alderman La Tour and Kinion were absent.

This ordinance failed.

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. At the November 15, 2016 City Council meeting this resolution was tabled to December 6, 2016.*

Andrew Garner, City Planning Director stated the applicant had a slightly modified proposal they wanted to present.

Tim Brisiel, Developer: We met with a small contingent of concerned neighbors. There was a productive dialogue and there have been a couple of changes. We have matched the density of the existing adjoining duplex community. We reduced our density from 58 units down to 44 units. This is similar to the existing development pattern of the duplex community adjoining it. We have reduced the traffic count. We have gotten the trail spur connecting Shiloh Drive to the Hamstring Trail. There have been no personal injury accidents in the Pine Valley subdivision. We have met or exceeded all the development requirements for the City of Fayetteville.

Robin Byers, 1879 Pine Valley Drive stated she met with Mr. Brisiel and toured his townhouses. She believes it to be a quality development. She voiced her concerns about cars parked on the side of the road and narrow streets. She has a problem with the danger it will bring to the neighborhood due to traffic.

Alderman Long: Thank you for meeting with me and my group of constituents. Please talk about the trail connections that we looked at and trying to get a second entrance into the neighborhood.

Tim Brisiel: The trail will connect from Shiloh Drive where it currently stubs out, following that creek to the west. It will skirt the north boundary of this property line.

Alderman Long: Do we have a date for completion of that?

Tim Brisiel: I do not. I have been working with Matt and the Parks Department. It is on their Master Plan.

Alderman Long: We were looking for a second way in for emergency vehicles. A trail access was one of those ways. I was hoping we might have more information on that. As you drive through the neighborhood after 5:00 p.m. there are a lot of cars stacked on either side of the road. It limits the space you can navigate through. An emergency vehicle could have trouble with that, especially between the hours of 6:00 p.m. and 7:30 a.m. Can staff go out there and look at where it would be possible to mark the streets as parking on one side only in certain areas? There is not enough parking for the residents that live in each home, to not park on the streets. We have to look at all the options for safety.

Andrew Garner: This particular neighborhood was designed for cars to park on the street. It is legal and allowed. The street was not designed to be double parked right where cars are adjacent to each other. You do have that in neighborhoods where you are not a real urban situation and you don't have to put No Parking signs throughout all of our neighborhoods. The Fire Department sometimes lets that happen in a natural organic way that a neighborhood parks over time throughout the day. If there is a situation where they feel like there is safety issue, we will go out and look at it. We will place No Parking signs where needed. That was not identified from the Fire Department when they reviewed this development. The Fire Department felt it provided safe access in and out and met the fire code requirements.

Alderman Long: When we discussed this two City Council meetings ago I specifically asked the question if anybody had been out in the evening. No one from city staff had looked at that after 5:30 p.m. This is something we should take into consideration. We also have a problem with residents not having enough parking.

Mayor Jordan: Do you want to hold it until we go out and look at it?

Alderman Long: The developer made a good faith effort to make some changes to his plans. If there's something we can do to look at the feasibility a little bit farther, then we should.

Alderman Marsh: Having narrowed streets and a lot of parking on the streets is very healthy for the neighborhood. It causes cars to have to slow down and pay attention. As long as we are meeting the fire code and have a safe route in and out it keeps people aware of their surroundings. It contributes to making the neighborhood safer. I'm not opposed to staff evaluating that.

Alderman Long: I agree that narrowing the streets slows traffic, but in this specific neighborhood we have so many different turning radiuses.

Alderman Tennant: I agree with Sarah and Alan. I've become uncomfortable about making a decision without being comfortable with the safety factor. I don't have a problem with the development, but it is going to be tough for me to vote on this. I am supportive of a two week wait to talk about it at the next meeting.

Alderman Petty: The proof is in the history with no documented safety issues. If a foot or two is what we are saying makes all the difference on the street, how many streets in town do we need to evacuate? There are a half dozen streets within a five minute walk from here that should be evacuated if that's the standard we are going to use. The applicant has made a good faith effort to amend the original program to address the concerns. I don't see a need to hold this for two weeks.

Alderman Tennant: I don't think that all the streets Alderman Petty mentioned are under the idea of having a lot of townhomes being built right next to them. It adds a factor that doesn't exist. I don't want to be in a huge hurry for something we might regret.

Alderman Gray: A significant fact for me is the Fire Chief has said it is okay. He doesn't want his fire trucks going down there if they can't turn. I have a hard time believing he would have said it is okay and yet we need to look at it further. I'll wait for two weeks if everyone wants too. I am not happy asking developers to wait while we continue to look at different things when we already had plenty of time to look at it.

Mayor Jordan: Tim, you want to weigh in on this?

Tim Brisiel: I have had multiple meetings with the Planning staff. I've asked them if we can go out there, should we post No Parking signs, and should we do hatching for pedestrian crossings. It is published in the City of Fayetteville Code of street standards that parking on the street and winding roads slows traffic. We have met with the Fire Department and all of the folks involved. I wouldn't invest in a project that I thought was going to be a safety issue to the City of Fayetteville.

If you would like to table it and me look into it further, I will do so. I don't know what other findings we are going to uncover. I can bring you an illustration of the trail to provide secondary access in.

City Attorney Kit Williams: This is an internal motion and requires four of seven votes to pass this motion.

Alderman Long moved to table the resolution to the December 20, 2016 City Council meeting. Alderman Tennant seconded the motion. Upon roll call the motion to table passed 4-3. Alderman Tennant, Schoppmeyer, Long, and Mayor Jordan voting yes. Alderman Petty, Gray, and Marsh voting no. Alderman La Tour and Kinion were absent.

This resolution was tabled to the December 20, 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. At the November 15, 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.

Blake Jorgensen, Jorgensen & Associates stated he would be happy to answer any questions.

Alderman Marsh: I will not be supporting this rezoning application. It is inconsistent with the wishes of our citizens in the 2030 City Plan. My office overlooks this intersection. It is a very pedestrian intensive place. This area is in that dead zone between neighborhood master plans. In the agenda packet staff noted the context that we are starting to build up to what is called a typical suburban context with the Neighborhood Market and the Kum & Go. I ask Council, is that the type of development consistent with our directive for a walkable city, to discourage suburban sprawl, and to make traditional town form standard? I advocate no, that it is not. Instead of the proposal on the table, we should rezone this entire property to Community Services. This will give them the ability to do the use unit they are desiring by right. They could do an urban building that would face the street and set a better urban context. A parent might feel safer allowing their child to walk to the high school along that route. We need to establish that this is a neighborhood for pedestrians. One of the ways to do this is by having an urban building.

Aubrey Shepherd, Citizen: I don't know that a bank is particularly a perfect site there. It would be useful to anybody who can get there easily. It is unsafe in many ways there. Increasing traffic is not a very good thing.

Blake Jorgensen, Jorgensen & Associates: I understand Sarah and Aubrey's concerns. That portion of the town has been redeveloped. I am under the impression we could by right develop

this bank. It is a micro bank. The problem with doing a form based zoning is that we can't meet the 50% frontage. If we did do a form based zoning we would have to get a variance. I understand the need to set a precedent for trying to produce products that are pedestrian friendly. This bank will be pedestrian friendly. They are going to improve the intersection and sidewalks regardless of the zoning. It won't change the pedestrian feeling of this building. We aren't talking about rezoning the interior. It is just the exterior portions where the two driveways are.

Mayor Jordan: It is already zoned C-1?

Blake Jorgensen: That is correct. The middle portion is C-1. The building is not even in that zone.

Alderman Petty: If you've got the rights to build what you want to build already, then why are you asking for this rezoning?

Blake Jorgensen: To clean up the property.

Alderman Petty: To clean up the parcel map?

Blake Jorgensen: That's correct. It wasn't certain we could put the driveways associated with this particular use within the RMF-40 zoning. The other avenue is to get a conditional use, but I'm not sure if we even have to get a conditional use.

Andrew Garner: The bank is not allowed by right in the RMF-24 zoning. The site plans we looked at with the applicant did show some of the parking lot and driveway for the bank in the multi-family zoning portion of the property. One option would be to keep the zoning as it is, but they would have to ask for a conditional use permit for use unit 25. They have to do some sort of action. Rezoning isn't actually required.

Mayor Jordan: They could develop according to C-1?

Andrew Garner: They could. They could not develop the parking lot for the bank in the multi-family portion unless the Planning Commission gives them a conditional use permit. They need some sort of action related to the zoning.

Alderman Marsh: I propose we rezone the two parcels in question and the C-1 to Community Services. It would enable the creation of a good mixed use urban building. It would allow the use unit by right. This lot needs much more intensive development than what you are proposing. It seems the bank would be in a good opportunity to partner with other local businesses. I want to motion to rezone this entire parcel to Community Services.

City Attorney Kit Williams: That motion is out of order. The parcels that have been notified with the neighborhood did not include the C-1 parcel. That is not in front of us now. Only those two wing lots which are not C-1, but are RMF-40. Andrew, isn't it correct that we haven't done any notification on the main parcel itself?

Andrew Garner: I would agree. For this portion in the middle they would need to legally send letters to the property owners across the street, which they have not. It would be rezoning a piece of property without properly notifying the neighbors.

Alderman Petty: I'm disappointed in the whole process. I understand both sides of the argument. I dislike the precedent we are setting here. I'm disappointed this was the recommended path. I think you would have been approved more quickly with a conditional use permit or variance. You wouldn't have had to come before the City Council to make your case. I don't like expanding this particular zoning designation especially in this area of town.

Alderman Marsh expressed her continuing disappointment with the lack of pedestrian friendly potential in the neighborhood. She spoke in opposition of the ordinance.

Mayor Jordan: Andrew, it can be developed C-1?

Andrew Garner: That is correct.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-1. Alderman Petty, Tennant, Schoppmeyer, Long, and Gray voting yes. Alderman Marsh voting no. Alderman La Tour and Kinion were absent.

Ordinance 5926 as Recorded in the office of the City Clerk

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. At the November 15, 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.

Aubrey Shepherd, a citizen voiced his concerns about habitat and wetland considerations.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance failed 4-1. Alderman Tennant, Schoppmeyer, Long, and Gray voting yes. Alderman Petty voting no. Alderman Marsh was absent during the vote. Alderman La Tour and Kinion were absent.

This ordinance failed.

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. *At the November 15, 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 Tennant seconded the motion. Upon roll call the motion passed 6-0. Alderman La Tour and Kinion were absent.

City Attorney Kit Williams read the ordinance.

Andrew Garner, City Planning Director stated he had no additional information.

Alderman Petty moved to suspend the rules and go to the third and final reading. Alderman Long seconded the motion. Upon roll call the motion passed 6-0. Alderman La Tour and Kinion were absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman La Tour and Kinion were absent.

Ordinance 5927 as Recorded in the office of the City Clerk

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. *At the November 15, 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 Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant, Schoppmeyer, Long, Gray, Marsh, and Mayor Jordan voting yes. Alderman Petty was absent during the vote. Alderman La Tour and Kinion were absent.

City Attorney Kit Williams read the ordinance.

Andrew Garner, City Planning Director stated he had no additional information.

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

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman La Tour and Kinion were absent.

Ordinance 5928 as Recorded in the office of the City Clerk

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. *At the November 15, 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 Tennant seconded the motion. Upon roll call the motion passed 6-0. Alderman La Tour and Kinion were absent.

City Attorney Kit Williams read the ordinance.

Andrew Garner, City Planning Director stated he had no additional information.

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 6-0. Alderman La Tour and Kinion were absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman La Tour and Kinion were absent.

Ordinance 5929 as Recorded in the office of the City Clerk

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. *At the November 15, 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 Tennant seconded the motion. Upon roll call the motion passed 6-0. Alderman La Tour and Kinion were absent.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: This is to comply with state law.

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

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman La Tour and Kinion were absent.

Ordinance 5930 as Recorded in the office of the City Clerk

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. *At the November 15, 2016 City Council meeting this ordinance was left on the First Reading.*

Alderman Marsh moved to suspend the rules and go to the second reading. Alderman Petty seconded the motion. Upon roll call the motion passed 6-0. Alderman La Tour and Kinion were absent.

City Attorney Kit Williams read the ordinance.

Alderman Marsh requested for the ordinance to be held so the Active Transportation Advisory Committee could review some of the wording at their next scheduled meeting.

City Attorney Kit Williams: Alderman Marsh, if you have any changes, please let my office know.

This ordinance was left on the Second Reading

New Business:

Four Special Needs Assistance Program Grant Agreements: A resolution to approve the renewal of four Special Needs Assistance Program grant agreements with the U.S. Department of Housing and Urban Development in the total amount of \$380,278.00 for the city to administer programs to assist homeless Fayetteville residents, and to approve a budget adjustment.

Yolanda Fields, Community Resources Director gave a brief description of the resolution.

Mayor Jordan: Thank you very much for the work you are doing with the grants and helping the homeless.

Alderman Marsh moved to approve the resolution. Alderman Long seconded the motion. Upon roll call the resolution passed 6-0. Alderman La Tour and Kinion were absent.

Resolution 217-16 as recorded in the office of the City Clerk

Fayetteville Youth Center, Inc.: An ordinance to waive the requirements of formal competitive bidding and approve a contract between the City of Fayetteville, Arkansas and Fayetteville Youth Center, Inc. in the amount of \$225,000.00 to provide public recreation services for the youth and citizens of Fayetteville for 2017 contingent upon approval of the 2017 city budget.

City Attorney Kit Williams read the ordinance.

Connie Edmonston, Parks & Recreation Director gave a brief description of the ordinance.

Eric Schuldt, Boys & Girls Club Chief Professional Officer thanked the city for their support and coordination with the Boys & Girls Club.

Alderman Gray: It is a great pleasure to support this fine program. Thank you.

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

City Attorney Kit Williams read the ordinance.

Alderman Tennant: This is one of the jewels of our city. The staff does a tremendous job. It is an honor and pleasure to work with such a fantastic organization for our city.

Mayor Jordan: It has been a great partnership and a great history.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman La Tour and Kinion were absent.

Ordinance 5931 as Recorded in the office of the City Clerk

Area Agency on Aging of Northwest Arkansas: An ordinance to waive the requirements of formal competitive bidding and approve a contract between the City of Fayetteville, Arkansas and the Area Agency on Aging of Northwest Arkansas in the amount of \$98,887.00 to provide public recreation services for the senior citizens of Fayetteville for 2017, contingent on approval of the 2017 annual city budget and work program.

City Attorney Kit Williams read the ordinance.

Connie Edmonston, Parks & Recreation Director gave a brief description of the ordinance.

Alderman Marsh: I appreciate the great work that is happening at our Senior Center.

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. Alderman La Tour and Kinion 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 Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman La Tour and Kinion were absent.

City Attorney Kit Williams read the ordinance.

Alderman Tennant expressed his joy for items being passed that help the homeless population, youth, and senior citizens.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman La Tour and Kinion were absent.

Ordinance 5932 as Recorded in the office of the City Clerk

The Field Shop, Inc. Change Order: An ordinance to waive the requirements of formal competitive bidding and approve a change order to the contract with the Field Shop, Inc. of Little Rock to expand the scope of services to include the purchase and installation of a video production digital server and archive system and relocation of the recording transfer station at the Television Center.

City Attorney Kit Williams read the ordinance.

Doug Bankston, Director of Media Services gave a brief description of the ordinance.

Mayor Jordan: This is a real big improvement.

Alderman Marsh: This is a great step in preserving government transparency. This will make sure we have all our history archived, recorded, and backed up.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman La Tour and Kinion were absent.

Ordinance 5933 as Recorded in the office of the City Clerk

Solid Waste Reduction, Diversion and Recycling Master Plan: A resolution to adopt the Solid Waste Reduction, Diversion and Recycling Master Plan as developed by Kessler Consulting, Incorporated.

Jeff Coles, Director of Recycling and Trash Collection gave a brief description of the resolution.

Mitch Kessler, President of Kessler Consulting, Inc. stated the project objective was to develop a Master Plan for an efficient and cost-effective solid waste system that puts the city on a path to 80% waste diversion. He stated that the priorities of the City of Fayetteville is to increase recycling, multi-family and commercial recycling, recovered material marketing accountability and organics. A power point was presented to discuss the Master Plan process, pilot programs, phased in action plan, recommendations, cost, and system elements.

Robin Mitchell, Director of Technical Services at Kessler Consulting, Inc. gave a brief presentation over the planning process. She discussed materials management, stakeholder surveys, diversion opportunities, commercial food waste pilot, and single stream collection pilot.

Alderman Long: In your report it shows the contamination rate at a single stream facility was approximately 15%. I didn't see in the report where it included contamination from single stream programs at the secondary processors.

Mitch Kessler: There are three places contamination and residue comes from. The first is not having good education and people are putting material that shouldn't be there. The second is processing residue at the Materials Recovery Facility. Thirdly, is the back end processing residue that occurs. 15% is based on a state of the art Materials Recovery Facility with the latest and greatest equipment.

Alderman Long: It doesn't take into consideration things kicked out at the secondary processors after leaving the Materials Recovery Facility?

Mitch Kessler: That occurs, but we did not go to paper mills and aluminum smelters to come up with that number.

Alderman Petty: You've used the phrase state of the art Materials Recovery Facility. I'm only familiar with some of the facilities in Arkansas, which don't have a great reputation. Can you contrast the facilities so I might have a better understanding of the kind of facility you are referring to?

Mitch Kessler stated single stream Materials Recovery Facilities went into place about 20 years ago. He compared a 20 year old car not looking anything like a 2016 model. He stated the facilities in Arkansas do not have the latest and greatest state of the art equipment. He spoke about air separation, ballistic separators, and the number of optical sorters. He stated some of the facilities in Arkansas have way over 20% of residue and contamination. He believes facilities need the latest and greatest equipment to get the best results.

Alderman Petty: In Phase I you have organics in the single stream. Phase II you have construction and demolition waste. If construction and demolition recovery is not as contingent on regional cooperation as some of the factors beyond our control, do you think reversing the order of those two things is just as viable for us or better?

Robin Mitchell: The percentage gains in Phase II is not all from the construction and demolition. When we did our predictive model we assumed the single stream and the organics would be phased in. Phase I is three years. Where you got at the end of that three years predicted would be about 26%. The next two years is Phase II. It is continuing to phase in and expand those two programs. Construction and demolition seems like a great opportunity, but the amount of construction and demolition you get at your facility seems to fluctuate widely each year. You need a certain amount of construction and demolition if you are even going to consider doing a facility. What you had in 2015 was just marginally there. There are two construction and demolition facilities in Lowell and Bentonville. It is worth looking at what those facilities can do and what opportunities they can provide. You might not have to do your own construction and demolition processing facility.

Mayor Jordan: We've had a request by one of the Council members not to vote on this resolution tonight. He is out of town. He wants to get as much public input as possible. The Water & Sewer Committee Chairman is not here as well. I would like to have a full Council when we vote on this since it is a major decision.

Tom Stone, Citizen expressed his concerns about the way recycling has to be sorted in bins at his home.

Sidney Conover, Benton County Solid Waste District Assistant Director stated the Benton County Regional Solid Waste Management District board and staff support single stream recycling. She spoke in favor of the resolution.

Kelly Mulholland, Citizen: It would be ironic in this effort to try to reach a better state of recycling and less solid waste by 2050 that we would actually go backwards and adopt something that is known to be less efficient.

Annie Latell, Citizen stated she supports more things being recycled. She favors the system currently in place. She stated she wished a pilot for dual stream had been considered.

Steve Parker stated he was in the pilot program. He believes there is confusion about what can be recycled. He believes more publicity is needed so citizens know the city is at 18% and need to get to 80%.

Gladys Tiffany stated she appreciated the study. She believes the drawback of the study is that it focused so much on single stream to the exclusion of other options.

Aubrey Shepherd believes there would have to be an incentive to get people to participate. He stated thinking that 80% is going to occur in 5 to 10 years is absurd.

Teresa Turk, 1408 West Cleveland stated she has been learning about the contamination rate and believes 15% seems a bit low. She wants to know the cost of Materials Recovery Facilities. She believes more education needs to be done by the City of Fayetteville.

JoAnne Olszewski, 102 East Elm stated she loves that she has a place to take yard waste, get compost, and recycle in Fayetteville. She doesn't understand how the city will get from 18% to 26% going single stream and organics.

Sarah Gossman, Citizen stated she has faith the system will work for Fayetteville. She believes single stream recycling can work.

Sarah Luebe, Ripple Glass stated her company partners with the city with glass recycling. She spoke about co-mingling of glass into the recycling stream. She urged Council to keep glass excluded from the single stream program.

Dot Neely, Ward 3 stated articles she has read speak more highly for source separation or curb sorting.

Andrea Fournet, 1214 North Shady Lane feels going single stream is moving backwards.

Dana Smith, Environmental Education Specialist for Fayetteville Public Schools spoke about food waste composting.

Adrian Shonfield, Farmers Table spoke about food waste composting.

Fran Alexander, Fox Hunter Road stated the city is trying to solve a social problem with an industrial solution. She spoke about recycling crew injuries.

Aubrey, Farmers Table spoke about food waste composting, restaurants recycling, and education. She stated there are a lot of options to consider before going to single stream.

Garnet Wise, Environmental Action Committee stated the committee supports the plan with the 80% goal. On a personal note he spoke about automated side loaders, manual side loaders, contamination, and education.

Taylor Bridges, University of Arkansas student spoke about educating U of A students to increase the recycling participation rates.

David Sager, Citizen stated curbside recycling statistics show there hasn't been measurable improvement towards meeting the goal over a 10 year period. He spoke about education and capacity.

Louise Mann, 629 Gray Avenue: Are you voting tonight?

Mayor Jordan: No.

Louise Mann stated she would like the names of the state of the art facilities. She spoke against single stream recycling. She requested to know what the resolution means when the Council votes.

Mayor Jordan: If the Council votes yes, then the whole plan is in effect. It doesn't mean we are going to do all the steps in it.

City Attorney Kit Williams: I drafted the resolution after reading the Chief of Staff's memo, which was approved by the Mayor, pointing out some problems and concerns they had about this whole study. The study has been presented from staff for the City Councils consideration. It doesn't mean the Chief of Staff, Mayor or Council are going to want to adopt all phases and parts of it. The resolution was drafted to indicate there are some concerns. It is possible the resolution will be amended.

Louise Mann: Do you vote it in and then make the amendments or do you amend it and then vote?

Mayor Jordan: The Council can make amendments before we ever vote on it.

City Attorney Kit Williams explained the amendment process.

Louise Mann requested information about recycling job postings.

Jeff Coles spoke about recycling job postings in the last six years at the City of Fayetteville.

Louise Mann: How many route people are we having turnover?

Terry Gulley, Transportation Services Director: 10 positions. 50% turnover rate.

Louise Mann spoke about making the job easier for the employees and education. She stated she had a problem with language used in the pilot, especially the word, diversion.

Robin Reed, Boston Mountain Solid Waste District believes the study is beneficial to the region.

Mayor Jordan: How come we began the study in April instead of February?

Brian Pugh, Waste Reduction Coordinator: I was trying to remember the start date of the pilot for the multi-family. I believe we did that for three months.

Robin Mitchell, The dates were April through June. It started later than the curbside because it took a little bit longer to get the multi-family complexes on board. The tonnage did drop off towards the end of the multi-family pilot, but if anything that would put data downwards. It would under estimate the benefit of single stream, not over estimate it.

Brian Pugh confirmed that it started on April 5th and ended on June 21st.

Mitch Kessler and Robin Mitchell gave a brief overview of the questions that were asked from the audience.

Mayor Jordan stated the resolution is a plan and it can be modified if a City Council member wants to amend it. He stated he has some concerns about contamination and cost.

A discussion followed about the cost of a Materials Recovery Facility.

Alderman Long read a fact from the Container Recycling Institute about an increase in plastic water bottles not being recycled. He stated the curbside program that is being done in Fayetteville is what communities should be doing in keeping recycling local. He believes this is our problem, not someone else's problem. He went on to talk about centralization of capital. He believes if you keep it clean, you keep your markets. He wants to keep transparency and control in the local community. He regrets voting for this study.

A discussion followed about procedural rules of passing the resolution.

Alderman Long moved to approve the resolution. Alderman Tennant seconded the motion. This resolution was not voted on to approve.

Alderman Tennant: I am not convinced that our aspirational goal is going to be improved greatly by going to single stream. Education is a key factor. I don't agree with the overall idea of single stream. The city staff are very intelligent and hardworking people, but they are busy. For us to throw a huge thing like this for them to figure out, is not fair to them.

Alderman Petty: What is our annual budget for education in this arena?

Brian Pugh: \$120,000 a year.

Alderman Petty: How long have we been doing that?

Brian Pugh: About three years.

Alderman Petty: We have spent more on education in the last three years than we have on this study.

Brian Pugh: Roughly the same.

Alderman Petty discussed when he partnered with the Fayetteville School District to design the green team program. He stated he is proud that it helped put recycling in most of the classrooms in the school district. He stated he is surprised about the tone of the discussion at the City Council meeting where people are taking an all or nothing approach. He talked about percentage rates of recycling in single family and multi-family homes. He believes more discussion needs to occur to address all the concerns.

Alderman Marsh gave a brief description of her educational background. She stated she strongly supports the plan of single stream. She believes it is very good for the community. She spoke about more citizens being able to participate and worker safety. She spoke about the change in demographics where people are moving away from single family homes in the suburbs to more compact living. She believes a better job is needed in reducing waste. She has confidence in the process of making decisions one at a time with public notice and public input to do things right.

Alderman Petty: I would like to table this indefinitely so that it doesn't fall off of the table at the end of the year. I would like the Water & Sewer Committee to review this and find a date when Kessler Consulting can return.

City Attorney Kit Williams: You need to make it date specific or it will automatically be denied on December 31, 2016.

Alderman Petty gave a brief description as to the reasons why he would want to table the item. He believes Kessler Consulting should be involved in the process.

City Attorney Kit Williams: \$300,000 was spent for this report. The report has some things that I am concerned about, but there is a lot of good stuff too. You might want to look at it in pieces.

Mayor Jordan: There are parts of this plan that are good, such as the food waste program.

Alderman Petty moved to table the resolution to the February 21, 2017 City Council meeting. **Alderman Gray** seconded the motion. Upon roll call the motion to table passed 4-3. **Alderman Petty, Gray, Marsh, and Mayor Jordan** voting yes. **Alderman Tennant, Schoppmeyer, and Long** voting no. **Alderman La Tour and Kinion** were absent.

This resolution was tabled to the February 21, 2017 City Council meeting.

RZN 16-5624 (SW Corner of Gregg Ave. & Drake St./Drake St. Holdings, LLC): An ordinance to rezone that property described in rezoning petition RZN 16-5624 for approximately 8.95 acres located at the southwest corner of Gregg Avenue and Drake Street from RMF-24, Residential Multi Family, 24 units per acre to CS, Community Services.

City Attorney Kit Williams read the ordinance.

Andrew Garner, City Planning Director gave a brief description of the ordinance. Staff recommends approval. The Planning Commission voted 8-0 in favor of the request.

Ramsey Ball, Colliers International requested he is seeking support and believes it is good land use.

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. **Alderman La Tour** and **Kinion** were absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. **Alderman La Tour** and **Kinion** were absent.

Ordinance 5934 as Recorded in the office of the City Clerk

VAC 16-5582 (41 E. North St./Andona Properties): An ordinance to approve VAC 16-5582 submitted by Andrea Fournet to vacate the unbuilt Pike Street right-of-way between Highland and Pollard Avenue.

City Attorney Kit Williams read the ordinance.

Andrew Garner, City Planning Director gave a brief description of the ordinance. He stated the city wants to maintain easement through the area for drainage and water lines. The Planning Commission had a split vote of 5-3.

Andrea Fournet, 1214 North Shady Lane requested the support of the City Council to pass the ordinance.

Alderman Marsh: I have some concerns about this due to the split ruling of the Planning Commission. I want to go out and visit this site. I would like to hold it right here.

The ordinance was left on the First Reading

2017 Annual Budget and Work Program: A resolution to adopt the 2017 Annual Budget and Work Program.

Paul Becker, Chief Financial Officer gave a brief description of the resolution. He stated he feels it is affordable and will provide for efficient operations.

Alderman Tennant: How long have you been CFO of the city?

Paul Becker: 10 years.

Alderman Tennant: This is a balanced budget we are proposing?

Paul Becker: Yes

Alderman Tennant: How many years in a row of balanced budgets have we had?

Don Marr, Chief of Staff: Seven out of the last eight years.

Mayor Jordan: The only one that wasn't, was due to the recession.

Alderman Tennant: My point is, this is even more reason to pass this budget. It is so well thought out as far as the stewardship of the peoples' money. Thank you for your tremendous amount of work.

Paul Becker: We appreciate that. It is a combined effort with Mayor Jordan's leadership and City Councils' cooperation. All of staff works hard on the budget. Thank you.

Alderman Gray: This is an excellent budget. We have an excellent record that I am very proud of. I had some concerns at the first presentation because there were a couple of things I had hoped to see some increase in. One of those was more police vehicles. I want to see more money in the drainage line item. I want us to have a balanced budget and I couldn't find any place to take money out. If we have some windfall during the year, I will be bringing it back up. Our police force needs our very best and we need to be able to recruit. I am pleased to report we have 10 patrolmen who can take their vehicles home with them at night. Home storage of vehicles is a good idea and provides a lot of security for neighborhoods.

Don Marr: We have 17 that are eligible and do not have one. We have 10 that are out there.

Alderman Marsh: I had some interest areas that were not funded to the extent I wanted. I want to see us invest more in sidewalks. To build out everything on our sidewalk request list would take our crews 14 years. That is an unacceptable situation when growing a livable transportation network is one of our top goals. I have been over this budget and do not see any place to cut.

Don Marr stated a lot of time and effort goes into the budget. He thanked all city department directors and staff. He stated Paul Becker is an incredible asset to the city.

Alderman Marsh moved to approve the resolution. Alderman Gray seconded the motion. Upon roll call the resolution passed 6-0. Alderman La Tour and Kinion were absent.

Resolution 218-16 as recorded in the office of the City Clerk

Announcements:

Don Marr, Chief of Staff: The Historic Bridge ribbon cutting has been canceled due to extreme cold weather. It will be rescheduled.

Badges and Bagels will be at the Senior Center at 9:00 a.m. on December 8, 2016. This is a time to meet members of our Police Department.

We have a table set up tonight. We are conducting a Star Community Survey to seek input.

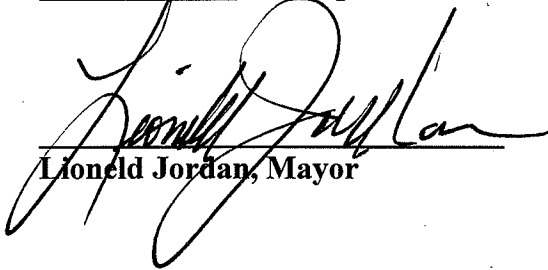
Mayor Jordan thanked the City Council for their good work on the large agenda.

City Council Agenda Session Presentations:

Agenda Session Presentation - Seven Hills Homeless Center Presentation

City Council Tour: None

Adjournment: 10:39 p.m.


Lioneld Jordan, Mayor
Sondra E. Smith, City Clerk Treasurer