

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 Sarah Bunch
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
January 3, 2017**

A meeting of the Fayetteville City Council was held on January 3, 2017 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.

Oaths of Office:

Mayor Lioneld Jordan, City Clerk Treasurer, Sondra E. Smith, Sarah Marsh, Alderman Ward 1, Matthew Petty, Alderman Ward 2, Sarah Bunch, Alderman Ward 3, and Alan Long, Alderman Ward 4.

Judge William Storey administrated the oaths of office.

PRESENT: Alderman Adella Gray, Sarah Marsh, Mark Kinion, Matthew Petty, Justin Tennant, Sarah Bunch, John La Tour, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Alderman Kinion, Marsh, and Long left early.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports, and Discussion Items:

Nominating Committee Report and Housing Authority Board Appointment

Alderman Kinion presented the Nominating Committee report and recommended the appointments as submitted.

A copy of the report is attached.

Alderman Kinion moved to approve the Nominating Committee Report and Housing Authority Board Appointment as read. Alderman Marsh seconded the motion. Upon roll call the motion passed unanimously.

City Council Committee Appointments

A copy of the report is attached.

Alderman Tennant moved to approve the City Council Committee Appointments. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

Report of the Firemen's and Policemen's Pension and Relief Fund

Mayor Jordan presented the report on the Firemen's Pension and Policemen's Pension to the City Council.

A copy of the report is attached.

Election of Vice Mayor

Alderman Kinion: I want to nominate Alderman Marsh to continue a second term. I believe offering her a second year would be appropriate.

Alderman Tennant moved to nominate Alderman Alan Long as Vice Mayor. Alderman Kinion moved to nominate Alderman Sarah Marsh. Upon roll call Alderman Alan Long was elected as Vice Mayor with a vote of 5-3. Alderman Bunch, La Tour, Long, Gray, and Tennant voting for Alderman Long. Alderman Marsh, Kinion, and Petty voting for Alderman Marsh.

Alderman Alan Long was elected as Vice Mayor

Consent:

Approval of the December 20, 2016 City Council Meeting Minutes.

Approved

Gallagher Benefits Services: A resolution to approve a renewal of the contract with Gallagher Benefits Services in the amount of \$28,800.00 for the provision of city employee benefits broker services through the second half of 2017.

Resolution 01-17 as recorded in the office of the City Clerk

Pierce Manufacturing, Inc.: A resolution to approve the purchase of a 2017 Arrow XT Fire Engine from Pierce Manufacturing, Inc. of Appleton, Wisconsin in the amount of \$540,618.00 pursuant to a Houston-Galveston Area Council cooperative purchasing contract, and to approve a contingency in the amount of \$54,061.80.

Resolution 02-17 as recorded in the office of the City Clerk

Bid No. 16-64 Benchmark Construction of NWA, Inc.: A resolution to award Bid No. 16-64 and authorize a contract with Benchmark Construction of NWA, Inc. in the amount of \$485,058.00 for the construction of infrastructure and land development necessary for installation of the Fire Department Training Facility, and to approve a project contingency in the amount of \$72,758.70.

Resolution 03-17 as recorded in the office of the City Clerk

Bid No. 16-45 Crushed Rock Salt: A resolution to award Bid No. 16-45 and authorize the purchase of bulk crushed rock salt from Central Salt, LLC for \$75.00 per ton for materials picked up and \$77.68 per ton for materials delivered as needed through July 31, 2017.

Resolution 04-17 as recorded in the office of the City Clerk

Bid No. 17-02 Construction - Curb & Gutter: A resolution to award Bid No. 17-02 and authorize the purchase of curb and gutter construction from Fochtman Enterprises, Inc. as a primary supplier and Tomlinson Asphalt as secondary supplier in variable amounts and for varying unit prices as needed through the end of 2017.

Resolution 05-17 as recorded in the office of the City Clerk

Bid No. 17-04 Concrete Purchase: A resolution to award Bid No. 17-04 and authorize the purchase of concrete from Tune Concrete Company as primary supplier and APAC Central as secondary supplier in variable amounts and to authorize the use of other bidders based on price and availability as needed through the end of 2017.

Resolution 06-17 as recorded in the office of the City Clerk

Bid No. 17-05 Aggregate Materials: A resolution to award Bid No. 17-05 and authorize the purchase of aggregate materials from Hunt Rogers Materials, LLC as primary supplier and to authorize the use of other bidders based on price and availability as needed through the end of 2017.

Resolution 07-17 as recorded in the office of the City Clerk

Bid No. 17-07 Hillside Gravel: A resolution to award Bid No. 17-07 and authorize the purchase of hillside gravel from Les Rogers, Inc. in varying amounts and for variable unit prices as needed through the end of 2017.

Resolution 08-17 as recorded in the office of the City Clerk

Bid No. 17-08 Plastic Drainage Pipe: A resolution to award Bid No. 17-08 and authorize the purchase of plastic drainage pipe for varying unit prices from various vendors, as needed through the end of 2017.

Resolution 09-17 as recorded in the office of the City Clerk

Bid No. 17-09 Concrete Drainage Pipe: A resolution to award Bid No. 17-09 and authorize the purchase of concrete drainage pipe from Scurlock Industries, Inc. in variable amounts and for varying unit prices as needed through the end of 2017.

Resolution 10-17 as recorded in the office of the City Clerk

Bid No. 17-10 Screened Topsoil: A resolution to award Bid No. 17-10 and authorize the purchase of screened topsoil from Les Rogers, Inc. as primary supplier and Sweetser Construction, Inc. as secondary supplier in variable amounts and for varying prices as needed through the end of 2017.

Resolution 11-17 as recorded in the office of the City Clerk

Bid No. 17-12 Retaining Wall Blocks: A resolution to award Bid No. 17-12 and authorize the purchase of retaining wall blocks for varying unit prices from various vendors as needed through the end of 2017.

Resolution 12-17 as recorded in the office of the City Clerk

Bid No. 17-13 High Performance Cold Mix Asphalt: A resolution to award Bid No. 17-13 and authorize the purchase of high performance cold mix asphalt from Hutchens Construction Co. as primary supplier and Atlas Asphalt, Inc. as secondary supplier in variable amounts and for varying prices as needed through the end of 2017.

Resolution 13-17 as recorded in the office of the City Clerk

Bid No. 17-16 Tree Grates and Frames: A resolution to award Bid No. 17-16 and authorize the purchase of tree grates and frames for varying unit prices from various vendors and authorizing the use of other bidders based on price and availability as needed through the end of 2017.

Resolution 14-17 as recorded in the office of the City Clerk

Bid No. 17-17 Decorative Fencing: A resolution to award Bid No. 17-17 and authorize the purchase of decorative fencing from Barmac Access Controls LLC d/b/a Modern Fence of NWA as primary supplier and Fence Co., Inc. as secondary supplier and authorizing the use of other bidders based on price and availability as needed through the end of 2017.

Resolution 15-17 as recorded in the office of the City Clerk

Bid No. 17-18 Reflectorized Paint Markings: A resolution to award Bid No. 17-18 and authorize the purchase of reflectorized paint markings from Custom Pavement Maintenance and Safety, LLC in variable amounts and for varying unit prices as needed through the end of 2017.

Resolution 16-17 as recorded in the office of the City Clerk

Bid No. 17-19 Waste Disposal for Construction Debris: A resolution to award Bid No. 17-19 and authorize the purchase of waste disposal services for construction debris from S&R Trucking Winslow, LLC and Holtzclaw Excavating, Inc. in variable amounts and for varying unit prices as needed through the end of 2017.

Resolution 17-17 as recorded in the office of the City Clerk

Bid No. 17-20 Truck Hauling Services: A resolution to award Bid No. 17-20 and authorize the purchase of truck hauling services from Garman Trucking, LLC at the rate of \$72.50 per hour and to authorize the use of other bidders based on price and availability as needed through the end of 2017.

Resolution 18-17 as recorded in the office of the City Clerk

2017 Proposed Asphalt Overlay Projects: A resolution to approve the Transportation Division Overlay and Sidewalk Projects list for 2017.

Resolution 19-17 as recorded in the office of the City Clerk

Superior Automotive Group - Police Department: A resolution to approve the purchase of a Police Package Chevrolet Tahoe from Superior Automotive Group of Siloam Springs in the amount of \$31,262.00, pursuant to a state procurement contract, for use by the Police Department.

Resolution 20-17 as recorded in the office of the City Clerk

Superior Chevrolet - Police Department: A resolution to approve the purchase of a Chevrolet Traverse from Superior Chevrolet of Siloam Springs in the amount of \$23,329.85, pursuant to a state procurement contract, for use by the Police Department.

Resolution 21-17 as recorded in the office of the City Clerk

Superior Chevrolet - Police Department: A resolution to approve the purchase of a Chevrolet Traverse AWD from Superior Chevrolet of Siloam Springs in the amount of \$25,188.21, pursuant to a state procurement contract, for use by the Police Department.

Resolution 22-17 as recorded in the office of the City Clerk

Superior Chevrolet - Water and Sewer Operations Division: A resolution to approve the purchase of a Chevrolet Traverse from Superior Chevrolet of Siloam Springs in the amount of \$25,578.21, pursuant to a state procurement contract, for use by the Water and Sewer Operations Division.

Resolution 23-17 as recorded in the office of the City Clerk

Susan Sullivan d/b/a Flying Q: A resolution to approve a Special Use Permit allowing Susan Sullivan d/b/a Flying Q to operate a guided horseback trail ride business on the Lake Sequoyah equestrian trails for a fee of \$5.00 per horse on each trail ride.

Resolution 24-17 as recorded in the office of the City Clerk

Kessler Mountain Regional Park: A resolution to approve a deed restriction covenant restricting development in certain portions of Kessler Mountain Regional Park as required by the U.S. Army Corps of Engineers Section 404 Nationwide Permit Number 2014-00110.

Resolution 25-17 as recorded in the office of the City Clerk

Seven Hills Homeless Center: A resolution to approve a contract with Seven Hills Homeless Center to provide funding assistance in the amount of \$103,000.00 for utilities, maintenance and repairs at the Walker Family Residential Community complex in 2017.

Resolution 26-17 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 7-0. Alderman Kinion was absent.

Unfinished Business: None

New Business:

Asphalt Materials: An ordinance to waive the requirements of formal competitive bidding during 2017 for the purchase of asphalt materials for use by the Transportation Division, but to require informal quarterly bids or quotes.

City Attorney Kit Williams read the ordinance.

Terry Gulley, Transportation Services Director gave a brief description of the ordinance.

Alderman Marsh moved to suspend the rules and go to the second reading. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Kinion was absent.

City Attorney Kit Williams read the ordinance.

Alderman Long moved to suspend the rules and go to the third and final reading. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Kinion was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Kinion was absent.

Ordinance 5941 as Recorded in the office of the City Clerk

Mark Zweig, Inc.: An ordinance to waive the requirements of formal competitive bidding and approve a cost share agreement with Mark Zweig, Inc. for a water main upgrade along a portion of North Church Avenue between West Spring Street and West Dickson Street with the estimated amount to be paid by the City of Fayetteville not to exceed \$103,665.15, and to approve a project contingency in the amount of \$20,733.03.

City Attorney Kit Williams read the ordinance.

Tim Nyander, Utilities Director gave a brief description of the ordinance. Staff recommends approval.

Alderman Long moved to suspend the rules and go to the second reading. Alderman Tennant seconded the motion. Upon roll call the motion passed 7-0. Alderman Kinion was absent.

City Attorney Kit Williams read the ordinance.

Alderman Tennant moved to suspend the rules and go to the third and final reading. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Kinion was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Kinion was absent.

Ordinance 5942 as Recorded in the office of the City Clerk

Amend §72.58 Off-Street Parking Facilities; Rules and Rates: An ordinance to amend subsection (I) *Rates for Parking in City Parking Garages* of §72.58 **Off-Street Parking Facilities; Rules and Rates** of the City Code to allow more flexibility for monthly parking rates in the Meadow Street parking garage.

City Attorney Kit Williams read the ordinance.

Justin Clay, Parking Manager gave a brief description of the ordinance.

Alderman Tennant: If these are empty and we can lower rates and maybe increase the revenue it is good for everybody. Thank you for coming up with this.

Alderman La Tour: I like the idea of letting the market set the price. Thank you for bringing this forward.

Alderman Tennant 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 Kinion and Marsh were absent.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5943 as Recorded in the office of the City Clerk

Arkansas State Highway and Transportation Department: A resolution to allow the City of Fayetteville to enter into a partnering agreement with the Arkansas State Highway and Transportation Department for improvements to Highway 112 between Razorback Road and Garland Avenue, and to approve the reclassification of Highway 112 between 15th Street and Interstate 49 as a city street.

Chris Brown, City Engineer gave a brief description of the resolution.

Alderman Petty: Whenever we saw this at the Transportation Committee, you were hoping to make a minor revision to the language. If changes we made to the typical cross section resulted in a cost savings, you didn't want to be penalized for them being a little different than the typical section. Did that language get changed to your satisfaction?

Chris Brown: Yes, we were able to get that done. Thank you.

Mayor Jordan stated his appreciation for the work done on the project.

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

Resolution 27-17 as recorded in the office of the City Clerk

RZN 16-5664 (1633 E. Zion Rd./Mayes): An ordinance to rezone that property described in rezoning petition RZN 16-5664 for approximately 0.85 acres located at 1633 East Zion Road 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 is in favor of the request. The Planning Commission voted 8-0 in favor of the request.

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 Kinion and Marsh were absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Tennant: As this area of East Fayetteville continues to grow, I hope we will continue to discuss in future meetings whether it be budgeting or sidewalk transportation, a continued

improvement of the sidewalks down Zion Road. We have made a lot of improvements already, but this area is growing at a high rate from Highway 265 to College. To make the area more walkable is important.

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

Ordinance 5944 as Recorded in the office of the City Clerk

Amend Chapters 160, 161, 162, 164, 166, 167, and 169: An ordinance to amend Chapters 160, 161, 162, 164, 166, 167, and 169 of the Unified Development Code to create two new zoning districts: Residential Intermediate - Urban and Neighborhood Services - General and New Use Unit 12 b. General Business and to make further changes to incorporate these amendments into the Unified Development Code.

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 recommended in favor 9-0. He requested for the ordinance be left on a reading to allow the public more time to review the information.

Alderman La Tour: Thank you for the hard work on this. The more planning districts we have, the greater possibility we have that someone will build a development. The more zones we have, the greater opportunity for innovation to take place.

There was a brief discussion about leaving the item on the First Reading.

This ordinance was left on the First Reading

Preliminary Plat 16-5642 (Park Meadows) Grant Appeal: A resolution to grant the appeal of City Council member Adella Gray and to deny Preliminary Plat 16-5642 (Park Meadows) because such development would create or compound a dangerous traffic condition in violation of §166.02 (C)(2) (a)(iv) of the Unified Development Code.

Jeremy Pate, Director of Development Services gave a brief description of the resolution. The Planning Commission voted to approve the project with a vote of 6-3. He stated there were several recommendations for improvements. He stated the basis of Alderman Gray's appeal centered on traffic concerns of Huntsville Road. He discussed the traffic study that was conducted.

Jesse Fulcher, Rausch Coleman: After looking into this in detail it was determined the turn lanes on Huntsville Road was the most appropriate at the intersection. We have agreed to this and the Planning Commission supports that. The Engineering staff has requested we extend the stacking distance within that turn lane, which we have agreed to do. We will continue to work with the

Trails Coordinator to make sure bicycle facilities stay in place. We hope you will approve our project and let us move forward.

Alderman Gray: I brought this forward because there were a lot of residents who wanted to talk about it. I did this so they could bring their ideas forward.

Alderman Petty reiterated what Jeremy Pate discussed for clarification.

Jeremy Pate discussed the traffic signal assessment in the final phase. He stated there has been a commitment to continue to look at the intersection regardless of the project and how fast it moves in order to understand when a signal can be warranted in this location.

Alderman Bunch: Did you go out on a tour?

Jeremy Pate: I think the Planning Commission may have gone out. The Council went out individually.

Ralph Nesson, Morningside Drive voiced his concerns about traffic safety and protection of wildlife. He requested an additional warrant traffic analysis be performed to determine the amount of traffic speed and turning events on Huntsville Road and Morningside Drive. He asked that the installation of a traffic light at the intersection be concurrent with the beginning of home construction. He requested two turn lanes from Huntsville Road into the Park Meadows Development be developed. He wants a four way stop sign be placed at the corner of Morningside and McClinton Street. He requested for a wildlife consultant be hired.

Kate Conway, 1007 Morningside Drive thanked staff and City Council for their accessibility. She voiced her concerns about the need of a warrant traffic analysis, sidewalks, four way stop, and preservation of wildlife. She stated that city staff should have the authority to require developers to meet certain standards regardless of the cost to the developer.

Kathy Layman, Janelle Avenue voiced her concerns about intersection traffic concerns on Wood Avenue and bike lanes. She spoke about wildlife concerns.

Robert Billig, 539 McClinton voiced his concerns about traffic on McClinton and Wood.

Stan Lancaster, Morningside Drive stated he would like to see a traffic signal ahead of time at Morningside and Huntsville due to traffic. He spoke about wildlife concerns. He suggested an archeological survey be done on the property.

Mayor Jordan: Have you all looked into the traffic light?

Chris Brown, City Engineer: Yes. The traffic study presented by the developers indicates a signal is not warranted. There is not enough traffic there for a signal. This is based on projected traffic counts and assumptions of where people are going to go as they enter and leave the development. In situations when we are making decisions as a city, we look at actual traffic counts. As the

development builds out and we see a signal is needed there and meets the traffic thresholds, we could consider adding a signal.

Mayor Jordan: Will the improvements that we are about to make with the extended turning lanes be adequate?

Chris Brown stated yes. He gave a brief description of the turning lanes.

Alderman La Tour: Is it a mathematical formula that there are a certain amount of cars and we have to have a light?

Chris Brown: There are multiples warrants we look at. It is the amount of traffic we have on an hourly basis. If it meets the traffic levels during a certain number of hours during the day, then a signal is warranted.

Alderman La Tour: How many situations over the last two years that we did a calculation and it indicated a light was warranted and we did not install a light?

Chris Brown: I don't know of one where we did a study and there was a need for a signal and the signal was not put in.

Alderman La Tour: We are pretty diligent. If our calculations say we need one, we will get one put in?

Chris Brown: Yes.

Alderman La Tour: What is the lag time from the time we determine it's needed to the time it is operating? Are we talking weeks or months?

Chris Brown: I would say six months. If we did it in house with the Transportation crews, we could probably do it in three or four months. 90 to 120 days is the minimal amount of time.

Alderman La Tour: How much does a typical red light cost?

Chris Brown: Contractor price is about \$150,000. If we did it in house with staff, it could be around \$100,000.

Alderman Gray: Do you know exactly when the study was done? What I hear citizens saying is that it is the traffic times of the day that are so dangerous.

Chris Brown: The analysis would have been at least a 24 hour count with multiple days of counts. I could look in the traffic study and give you better details when the actual counts were taken.

Alderman Gray: You can assure us without any question that the traffic times were looked at and considered?

Chris Brown: Yes. We have adequate counts.

City Attorney Kit Williams: Did you look at the level of use and wait times for that intersection?

Chris Brown: That is a different analysis than the signal warrant. You can look at level of service analysis which is a measure of delay at an intersection. The traffic study shows there are adequate levels of service even after the development.

City Attorney Kit Williams: If we did another study after the development was there and they weren't just estimating, would that help us decide to do a traffic signal there if there was inadequate service?

Chris Brown: Yes. What happens with this type of development is there are multiple entrances and exits. There has to be an assumption made as to which way people are going to go. If those assumptions by the traffic engineer prove to be incorrect, then we would look at it at that point.

City Attorney Kit Williams: I drafted a resolution that was requested by Planning after they came to a better agreement with the applicant. The burden is on the appellant in order to overturn the Planning Commission. Normally the resolution says a resolution to approve the appeal and deny the application. In this particular case I drafted a different resolution to reflect the agreement with the additional conditions that Planning and the applicant have agreed too. If your decision is to approve this resolution with new conditions, then there needs to be a motion to amend to this. If it is amended to this and this resolution fails then we are back to the original amendment. We only have five aldermen and the Mayor here currently. It takes five affirmative votes to pass a resolution. The amendment can be passed on a vote of 4-2.

Jeremy Pate: The recommended resolution adds Conditions of Approval that bring the project closer in line to what we were originally recommending. There are additional improvements that are recommended with these added Conditions of Approval.

City Attorney Kit Williams stated the applicant is in the driver's seat until the appeal gets granted. The Planning Commission approved the preliminary plat and it would remain approved. Kit read the body of the resolution where it had been changed.

Jesse Fulcher received clarification about the proposed amended resolution from Kit Williams.

Alderman La Tour: I want the audience to know that this is the best you can hope for. If we don't do anything then the Planning Commission rules. We need to move ahead with something to give some relief.

Alderman Gray moved to amend the resolution to say, "Condition #2 will require that an extended turn lane shall be constructed by the applicant along Huntsville Road from the intersection with Morningside Drive toward the east and amends condition #3 to require that the traffic signal assessment of \$18,000 shall not be due until the final plat is approved for the final phase of the project." Alderman La Tour seconded the motion. Upon roll call the

motion passed 4-1. Alderman Bunch, La Tour, Gray, and Tennant voting yes. Alderman Petty voting no. Alderman Kinion, Marsh, and Long were absent.

Alderman Petty: With the amended version, if we grant the appeal, then the plat is approved. If we deny the appeal, the appeal of the plat is approved?

City Attorney Kit Williams: Yes, that is basically right. I always put the burden on the applicant because that is changing something. If this resolution fails, then that will stand and these new conditions won't apply to that preliminary plat. Is that what you understand?

Alderman Petty: Yes. Prior to amendment if the resolution had passed then the plat would have been denied. Correct?

City Attorney Kit Williams: Yes.

A discussion followed about the amended resolution and appeal process.

Alderman Gray: The changes and discussion that has gone on is exactly the reason I did the appeal.

Alderman Petty: I am not sure if I'm asked to vote tonight what I would have done if I had the option to overturn the Planning Commission's decision. I am uncomfortable with the way this has developed through the amendment. I would consider not voting, given the original choice has been removed. If I am asked to vote tonight, given the two choices, which is to impose one extra condition on the applicant relevant to what the Planning Commission said, I would feel obligated to vote yes because it is better. This is highly unusual to amend an appeal in this manner. I would prefer to table it so I wasn't required to vote in a way that wasn't consistent with the way this was put on the agenda.

Alderman La Tour: I'm not for rushing something through and the more discussion we have the better. From your perspective is there a problem with the plat?

Alderman Petty: Yes.

Alderman La Tour: You want to change the plat?

Alderman Petty: I would have preferred from the very beginning to continue the process in negotiation. The position we are in now is either vote to impose one extra condition or vote to go with the original Planning Commission conditions.

Alderman Tennant: I talked to several people who were concerned about some of the details that would be discussed tonight. They appreciated Alderman Gray bringing it forward. At this point this warrants a full Council to discuss and vote on it. I want to vote on this at a future meeting. I would like to hear from the developer if it would be detrimental to delay this for one more meeting.

Jesse Fulcher: We started this back in October as far as the review process and we are now in our fourth month. It has been slow going. I don't want the Council members voting on something they aren't comfortable with. I would like some direction as to some changes we are overlooking that could be discussed with staff or the City Council. Some of the misunderstandings at the Planning Commission was the amount of time staff had to look at the findings of the traffic report and as it relates to the turn lanes on Huntsville Road. Once they had the opportunity to look at the warrants for the turn lanes on Huntsville Road and how much traffic is actually turning in, those turn lanes weren't warranted. To put one in at the intersection where the majority of traffic is turning, as well as the turn lane we will be installing for northbound traffic on Morningside Drive would provide a lot of benefit in that area. We will be putting money towards a traffic signal at the points where hopefully it will be warranted that the money can be utilized. It is difficult when you are holding property under contract. Time is a challenge when you are trying to maintain a contract, meet deadlines, and spend money with engineers.

Alderman Tennant: I appreciate what you have brought forward and the fact you are willing to invest money which you necessarily wouldn't have to do. I believe this warrants a couple of weeks.

Alderman Petty: I would be happy to talk with you more Jesse. I have a range of concerns.

Alderman Bunch: I am in support of tabling this also. It is an unusual situation with the amendment and it is a little confusing.

Alderman Gray: I'm generally in support of giving plenty of time, but I am in Ward 1 and have received all the calls. I feel we have talked and talked and it is evident our City Attorney and Planning staff has reviewed all of this. I won't be here in two weeks. I hate to hold our developer up any longer. This is a development we very much need in south Fayetteville. None of us wants to give up beautiful green space. None of us wants to increase the traffic problems, but those are problems we have. We need affordable housing in Fayetteville and this is affordable. I would like to vote tonight, but I will agree to what the Council says.

Ralph Nesson thanked the Council for deliberating on the issue and agreeing to further discussion. He requested for a neighborhood representative be included in the discussions within the next two weeks.

Alderman Petty moved to table the resolution to the January 17, 2017 City Council meeting. **Alderman Tennant** seconded the motion. Upon roll call the motion to table passed 4-1. **Alderman Bunch, La Tour, Petty, and Tennant** voting yes. **Alderman Gray** voting no. **Alderman Kinion, Marsh, and Long** were absent.

This resolution was tabled to the January 17, 2017 City Council meeting.

Preliminary Plat 16-5574 (Mountain Vista Subdivision) Grant Appeal: A resolution to grant the appeal of City Council member Adella Gray and to deny Preliminary Plat 16-5574 (Mountain Vista Subdivision) because such development would create or compound a dangerous traffic condition in violation of §166.02 C)(2)(a)(iv) of the Unified Development Code.

Jeremy Pate, Director of Development Services gave a brief description of the resolution. The Planning Commission voted to approve the project with a vote of 5-3. He stated there were a number of conditions associated with the approval. He stated the basis of Alderman Gray's appeal centered on water service pressure and the access to Country Club Drive. He stated a speed study was conducted.

Chris Brown, City Engineer stated the initial review of the stopping sight distance at the intersection was based on the 25 mph speed limit and the stopping sight distance was adequate. He gave a brief description formula of traffic counts and speeds. He stated it was determined that it was 9 mph over the speed limit for the northbound direction. He stated the southbound meets the requirement and isn't a concern.

Alderman La Tour: Could a three way stop sign be installed?

Chris Brown: It could be a three way stop. It would only be necessary to make it a two way stop. It would resolve the issue.

Alderman Gray: Please discuss any other speed control items.

Chris Brown: There could be a two way stop, construction of a roundabout, and lane width reductions. There are multiple things in the traffic calming toolbox that could be looked at to try and reduce speeds coming down the hill. I would not recommend vertical deflection, also known as speed tables because of the steepness of the street and curvature. Relocation of the intersection is a final option, but I don't believe that is feasible. The more you move down the hill, the speeds are going to increase, which increases the stopping sight distance and defeats the purpose.

Jeremy Pate: There was discussion about connecting to another street that the property technically has access too. I believe it is 22nd Street and it dead ends. There is considerable slope and is very steep. We would not recommend a street being constructed at that slope. We don't believe it is a feasible or safe connection.

City Attorney Kit Williams: Even if that was an option it would not deny the applicant his right to access 24th Street. He has a right to access 24th Street as a property interest and we can't take that away without compensation. Any additional street access probably wouldn't be used since it is so steep, but wouldn't solve the problem we are looking at now with the intersection into 24th Street.

Mayor Jordan: I have gotten emails about the water pressure. What improvements did we make and how is the water pressure in the area?

Tim Nyander, Utilities Director: At the 24th Street pump station we installed three new fire pumps and two service pumps. Since we can't put an elevated storage tank because of the close proximity to the airport, we had to put concept pressure pumps there. The highest point at the Country Club is where you would test the water for drop in pressure when you are opening fire hydrants. If you drop below 20 psi then that is against the Health Department rules. We ran the fire flow test twice. We opened up two hydrants and we only dropped by 20 pounds down to about 60 pounds of

pressure. We didn't drop to any danger level. The Fire Marshal would have to speak about the fire flow standards.

Harley Hunt, Fire Marshal: Based on the water flow we were provided from the Water Department there is adequate flow to support single family dwellings up to 3,600 square feet. Anything over that square footage is not significant flow. There is adequate flow up there to it. If you want to exceed 3,600 square feet, the houses can be sprinkled and then that requirement is met through residential sprinkler systems.

Alderman La Tour: When you say sprinkler system, you are talking about indoor fire prevention, not sprinkler systems in the yard?

Harley Hunt: Yes, sir. Residential fire sprinkler systems in the house.

Alderman La Tour: How did you determine that we can't build over 3,600 square feet? Is there a formula?

Harley Hunt: In the Fire Code there is a chart and it is based upon a formula. It is based on your construction type. The chart gives minimum fire flow requirements.

Alderman Gray stated a resident prepared a short PowerPoint and wanted to make a presentation.

Alderman Petty and Mayor Jordan requested to know how long the video is.

City Attorney Kit Williams read the rules about citizens presenting an electronic visual aid and to not exceed five minutes.

Mayor Jordan: If the Council decided to do two of them, could they do that?

City Attorney Kit Williams: The only way they could do that is by suspending the rules which requires six affirmative votes.

Alderman Gray moved to approve a citizen video. Alderman La Tour seconded the motion. Upon roll call the motion passed 5-0. Alderman Kinion, Marsh, and Long were absent.

Alex Mironoff, 159 West 29th Court gave a brief PowerPoint presentation over stopping sight distance. He stated there is not enough stopping sight distance. He stated it is a risk to public safety. He believes the city should protect the public from development that could increase road hazards. He went over a list of possible solutions to relieve traffic. He urged Council to correct dangerous access to the development before it is built.

Steve Clark, 438 East Fairway Lane stated he was appearing at the City Council meeting as an individual citizen and in no other official capacity. He stated he supports the development as it is proposed with the plans. He stated traffic safety is a major concern. He spoke about the large amount of people that frequented the area from April through November and it created additional

traffic. He voiced his concerns about it being one way in and one way out. He requested for the item to be tabled to allow for more discussion about the safety of the hillside development.

Jeff Bates, Project Engineer: We feel like we have met all the city development requirements. I understand they want another access off of the mountain, but it isn't going to be through this site. The terrain won't allow it. The only place it would be is on the backside where we stubbed out and it was still a 14% grade which is steeper than the fire trucks want to go up. We agree with city staff that it is in about the best place it can be. There isn't a whole lot of room to move it. We feel it is going to be great for the mountain and it is going to fit in. They underdeveloped it. They could have put a lot more homes and smaller lots.

Alderman La Tour: What would it cost you to slow this down for 30 days?

Jeff Bates: He is paying interest everyday on the land and the engineering fees. I don't know that there is another solution. We have been working with city staff for 60 days.

Alderman La Tour: How do you feel about putting a two or three way stop sign in?

Jeff Bates: It wouldn't hurt our feelings any.

Alderman La Tour: It seems to me that would solve the problem of traffic.

Jeff Bates: Me too. It would stop everybody.

Alderman La Tour: That might just be a Band-Aid because people could run the stop sign.

Jeff Bates: We can't design for all the people breaking the law.

Rita Miller: I've lived in the neighborhood since 1993. At the time we were told the lower access road was being put into the Askew property. Askew looped around and went past some rent houses on the Askew Estate and it was to connect to that. Shortly after, people were dumping trash. They gated it off and it was abandoned. A little bit of that property belongs to Jerry Sweetser. In order to use that lower access point the city would need to secure the property in some fashion. Kit Williams was on the City Council at the time.

City Attorney Kit Williams: I was on the City Council and we authorized a contract to build that, but we didn't get into the weeds of it. I have talked to Jeremy and Chris. I think between the old road and the current road that land went back to Sweetser. We took some land from Sweetser on the downhill side to straighten the curve out. We vacated a land up above it. We still have the right of way on the curve that is our property. If it was decided by the engineers that it would be a safer location for the intersection, we could use that little hook we still own. If we had to go across Sweetser's land we would be able to obtain the land through condemnation if it was decided it would be the safest location for the road. We have heard our city engineers say it is not the safest location. I am not the expert and I have to defer to our engineers.

Rita Miller stated she wasn't an expert, but respectfully disagrees with the analysis. She continued to voice her concerns about traffic and safety. She requested the item to be tabled for further evaluation.

Jim Benton, Citizen stated it is a good project and he is in support of the development. He believes the hills are a valid concern and need to be addressed. He believes the development is at a stage where compromises can be made to meet everybody's needs.

Dr. J.B. Hays, Developer: I've been a Fayetteville resident for 45 years and attended the U of A. I try to improve the city in whatever improvements I do. I met with a large number of home owners in the Country Club area. I listened to their suggestions and I followed some of them. The homes will be from \$450,000 to one million dollars. A stop sign might be ideal to put in as you come down the hill if it is needed. The city has approved what we have suggested. Most of the people who are interested have no children. This will help the tax base, the Country Club membership, and will help Fayetteville.

Alderman La Tour: Thank you for taking a risk and building our city.

Greg Anderson, 2941 South College Drive: I encourage you to approve this subdivision. There is a new water line in the new subdivision. It will connect to the existing water line on the backside. This will make a loop that should improve the water flow situation. Will it solve the problem with putting out fires?

Mayor Jordan: The Fire Marshal said the fire protection was good. Is that correct?

Harley Hunt, Fire Marshal: Yes, it is adequate for what has been proposed. The additions from the Water Department has made it very adequate.

Mayor Jordan stated improvements have been made in the area.

Greg Anderson stated he hasn't seen water pressure problems in the area.

Todd Devecsey, 2555 South College Drive: My property adjoins what Mr. Hays is wanting to do. This will improve the value of everyone's homes. There is a serious concern for safety. The study was done on two days in which no one goes to the Country Club because of vacationing. For the safety of citizens, table and require the developer to find a different solution other than a stop sign.

Alderman Gray moved to table the resolution to the February 7, 2017 City Council meeting. **Alderman Bunch** seconded the motion. Upon roll call the motion to table passed 4-1. **Alderman Bunch**, **Gray**, **Petty**, and **Tennant** voting yes. **Alderman La Tour** voting no. **Alderman Kinion**, **Marsh**, and **Long** were absent.

This resolution was tabled to the February 7, 2017 City Council meeting.

Announcements:

Don Marr, Chief of Staff: The city is accepting real Christmas trees through the month of January. Put them out on the day of your recycling and trash.

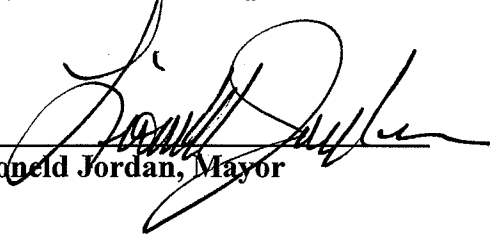
The city newsletter is on the City of Fayetteville website.

City Attorney Kit Williams welcomed Alderman Sarah Bunch to the City Council.

City Council Agenda Session Presentations: None

City Council Tour: None

Adjournment: 8:47 p.m.


Lioneld Jordan, Mayor


Sondra E. Smith, City Clerk Treasurer



Nominating Committee Report

Members Present – Chair Mark Kinion, Sarah Marsh, and Alan Long

Absent – Martin W. Schoppmeyer Jr.

The Mayor recommends the following appointment for the Library board:

FAYETTEVILLE PUBLIC LIBRARY BOARD OF TRUSTEES

Rob Qualls - One unexpired term ending 4/1/21

The Housing Authority Board of Commissioners recommends the following appointment:

HOUSING AUTHORITY BOARD OF COMMISSIONERS

- Laurence McMahon – One term ending 12/28/21

The Nominating Committee recommends the following candidates for appointment:

ACTIVE TRANSPORTATION ADVISORY COMMITTEE

- Drew Wallis - One Community/Citizen at Large term ending 12/31/18
- Chris Baribeau - Community/Citizen at Large term ending 12/31/18

AIRPORT BOARD

- William Corley - One unexpired Pilot term ending 12/31/18
- Todd Crane - One Aeronautical term ending 12/31/21
- Lizzie Johnson - One University of Arkansas term ending 12/31/21

ANIMAL SERVICES ADVISORY BOARD

- Catherine E. Donnelly - One unexpired Licensed Veterinarian term ending 06/30/19

AUDIT COMMITTEE

- No applications were received

CIVIL RIGHTS COMMISSION

- Charles Watson - One Business Community term ending 12/31/19
- Chris Christoffel - One Citizen-at-Large term ending 12/31/19

ENERGY IMPROVEMENT DISTRICT NO. 1

- Frank Mayfield - One term ending 12/31/18

ENVIRONMENTAL ACTION COMMITTEE

- Claire Allison - One Community Citizen-at-Large term 12/31/19
- Colin Massey - One unexpired Community Citizen-at-Large term ending 12/31/18

PARKS AND RECREATION ADVISORY BOARD

- Dana Smith - One term ending 12/31/19
- Wade Colwell - One term ending 12/31/19
- William (Bill) Putman - One term ending 12/31/19

TELECOMMUNICATIONS BOARD

- Chad Harcourt - One unexpired term ending 6/30/18

URBAN FORESTRY ADVISORY BOARD

- Alan Ostner - One Tree Service Community term ending 12/31/18
- Glenda M. Patterson - One Community Citizen-at-Large term ending 12/31/18
- Amy Jones - One Community Citizen-at-Large term ending 12/31/18
- Audra Rogers - One Community Citizen-at-Large term ending 12/31/18

City of Fayetteville
2017 Rules of Order and Procedure
City Council Committees

Transportation

(Approved by the City Council)

Adella Gray		Alderman Ward 1
Matthew Petty		Alderman Ward 2
Justin Tennant		Alderman Ward 3
Alan Long		Alderman Ward 4
Chris Brown	575-8206	Staff Contact
Terry Gulley	575-8228	Staff Contact

Sewer

(Approved by the City Council)

Sarah Marsh		Alderman Ward 1
Mark Kinion		Alderman Ward 2
Sarah Bunch		Alderman Ward 3
John LaTour		Alderman Ward 4
Tim Nyander	575-8386	Staff Contact

Nominating

Sarah Marsh		Alderman Ward 1
Mark Kinion		Alderman Ward 2
Sarah Bunch		Alderman Ward 3
Alan Long		Alderman Ward 4
Lisa Branson	575-8323	Staff Contact

Ordinance Review

Adella Gray		Alderman Ward 1
Matthew Petty		Alderman Ward 2
Justin Tennant		Alderman Ward 3
John LaTour		Alderman Ward 4
Kit Williams	575-8313	Staff Contact

LOCAL PENSION FUND REPORT 2016

In keeping with statutory requirements, I am presenting this report for 2016 on the local Police and Fire Retirement and Relief Funds for the City of Fayetteville. Both of these plans were closed, by law, in 1983 and there are no longer any active working members remaining. There are currently 41 Police and 47 fire retirees and beneficiaries in the system.

At December 2016 projected expenses from the fire pension fund were approximately \$1.4 million as compared to fund revenues of \$1.4 million. Projected police pension fund expenses were approximately \$1.5 million as compared to fund revenues in excess of \$1.0 million. This is before adjusting investments to current market value.

Actuarial evaluations are the responsibility of the State of Arkansas Fire and Police Pension Review Board. The last evaluations completed were as of May, 2016 for the year ending December 31, 2015. Based on those evaluations the total pension liability of the Police and Fire Funds were \$18.4 million and \$19.4 million respectively. The net pension liabilities for these funds were approximately \$12.2 million for police and \$15.7 million for fire. In the annual reports issued by the Arkansas Pension Review Board neither the fire nor police pension fund were found to be actuarially sound pursuant to established financial tests.

The Fire Pension Fund has been classified as “projected insolvent “since 2009. The Fire Pension Board has been discussing the unstable condition of the fund and possible alternatives since that time. In 2015 the Fire Pension Board brought forward a resolution to the City Council requesting the City agree to consolidate the fund with LOPFI. In October, 2015 LOPFI Representatives came to Fayetteville to discuss the condition of and possible solutions to resolve the Fire Pension Fund financial situation. These presentations were made at special council meetings by LOPFI Representatives. However, the issue is complex and solutions discussed all had possible negative consequences to the City. The City Attorney also advised the Council that consolidation might be unconstitutional under state law. The council and administration agreed to further study and discuss the issue again but the Fire Pension Board did not bring forward a specific request to the City Council in 2016.

The financial conditions of the Fire Pension Fund has been relatively the same since those meetings so no change has occurred to make the situation better or worse. However the asset value of the fund continues to be under \$5,000,000 which makes it subject to further investment restrictions. These restrictions no longer allow investments in individual securities. Investments will be limited to cash, cash equivalents, government bonds and no load mutual funds. This means overall returns in the future are likely to be less than previously experienced which could bring about depletion of the fund earlier than expected.

The Police Pension Fund is also considered actuarially unsound but not in immediate danger of becoming insolvent. The Police Pension Board is also aware of the Police Pension Fund status and has been considering options that would guarantee long term solvency.

I will continue to monitor these pension funds in the future and keep you apprised of any new developments if necessary.