

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
June 20, 2017**

A meeting of the Fayetteville City Council was held on June 20, 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.

PRESENT: Alderman Adella Gray, Sarah Marsh, Matthew Petty, Justin Tennant, Sarah Bunch, Mayor Lioneld Jordan, City Attorney Kit Williams, Deputy City Clerk Lisa Branson, Staff, Press, and Audience.

Alderman Petty arrived after roll call.

Alderman Mark Kinion, John La Tour, and Alan Long were absent.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

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

Agenda Additions:

Cato Springs Trail Lighting: A resolution to express the willingness of the City of Fayetteville to apply for and utilize Federal-Aid Transportation Alternatives Program 80/20 grant funds in an amount of up to \$280,000.00 available through the Northwest Arkansas Regional Planning Commission and to approve a local match of up to \$70,000.00 for the installation of lighting along the Cato Springs Trail.

Alderman Marsh moved to add the item to the agenda. Alderman Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Gray, Marsh, Petty, Tennant, and Bunch voting yes. Mayor Jordan voting yes. Alderman Kinion, La Tour, and Long were absent.

Matt Mihalevich, Trails Coordinator gave a brief description of the resolution. He stated the grant is due on June 30, 2017 and therefore was requesting to walk the item on at the City Council meeting.

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

Resolution 125-17 as recorded in the office of the City Clerk

Consent:

Approval of the June 6, 2017 City Council Meeting Minutes.

Approved

Police Department Donation Revenue: A resolution to approve a budget adjustment in the total amount of \$7,700.00 recognizing donation revenue to the Fayetteville Police Department.

Resolution 126-17 as recorded in the office of the City Clerk

Certified Local Government Grant: A resolution to approve a grant agreement with the Arkansas Historic Preservation Program for a Certified Local Government Grant in the amount of \$14,291.00, and to approve a budget adjustment.

Resolution 127-17 as recorded in the office of the City Clerk

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

Public Hearing:

Raze and Removal 265 West Nonnamaker Drive: A resolution to order the razing and removal of a dilapidated and unsafe structure on property owned by Harold and Rosetta Harmon located at 265 West Nonnamaker Drive in the City of Fayetteville, Arkansas, and to approve a budget adjustment. *At the June 6, 2017 City Council Meeting this resolution was tabled to the June 20, 2017 City Council Meeting. At the May 16, 2017 City Council Meeting this resolution was tabled to the June 6, 2017 City Council Meeting.*

Mayor Jordan opened the Public Hearing.

David Carver, Code Compliance Administrator gave a brief description of the resolution. He stated the item had been tabled at two City Council meetings and since that time Code Compliance and Building Safety has not had any communication with the property owner and no building permits have been applied for or issued to date.

Mayor Jordan asked if the applicant was at the City Council meeting and it was confirmed that he was not.

Mayor Jordan closed the Public Hearing.

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

Resolution 128-17 as recorded in the office of the City Clerk

Unfinished Business:

RZN 17-5772 (810 S. Cherry Ln./ Sweetser Properties): An ordinance to rezone that property described in rezoning petition RZN 17-5772 for approximately 0.53 acres located at 810 South Cherry Lane from RSF-4, Residential Single Family, 4 units per acre to RMF-24, Residential Multi-Family, 24 units per acre. *At the June 6, 2017 City Council Meeting this ordinance was left on the second reading.*

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 Gray, Marsh, Petty, Tennant, and Bunch** voting yes. **Mayor Jordan** voting yes. **Alderman Kinion, La Tour, and Long** were absent.

City Attorney Kit Williams read the ordinance.

Dave Jorgensen, Representing the Applicant: I spoke to the applicant about the possibility of doing some kind of light commercial Neighborhood Services. They considered it, but the property across the street, to the north and east is residential. They thought it would be better to keep it residential rather than some kind of Neighborhood Services. They prefer to keep it at the present requested zoning.

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

Ordinance 5981 as Recorded in the office of the City Clerk

17-5776: (1320 S. College Ave./Sugarland Properties): An ordinance to rezone that property described in rezoning petition RZN 17-5776 for approximately 0.31 acres located at 1320 South College Avenue from NC, Neighborhood Conservation to RI-U, Residential Intermediate, Urban. *At the June 6, 2017 City Council Meeting this ordinance was left on the first reading.*

Alderman Petty stated he would like to recuse himself.

City Attorney Kit Williams read the ordinance.

Andrew Garner, City Planning Director stated he did not have any new information to report.

Keaton Smith, Citizen is in support of the rezoning. He stated he is a property owner in the neighborhood. He stated he is speaking for himself and not for the two organizations he is affiliated with.

Alderman Petty: I want to recuse myself because I was associated with this project. I don't have any continuing interest in the project. With my recusal, does that mean we don't have a quorum for this vote?

Mayor Jordan: We can't move it to another reading.

City Attorney Kit Williams: You will not destroy the quorum because you will still have five members of the Council here including the Mayor who counts as a member of the Council. An ordinance can be passed, but with your recusal you can't suspend the rules. It is going to be left on the second reading.

Jesse Millwee, Citizen believes the rezoning will be beneficial to the neighborhood and the community. He spoke in favor of the rezoning.

Robert Sharp, Church Street stated smaller houses are needed. He spoke in favor of the rezoning.

This ordinance was left on the Second Reading

Amend UDC and Rezone - RZN 17-5713 (College Ave. from North St. to Maple St./College Ave.): An ordinance to amend the Unified Development Code to create a new zoning district, Urban Thoroughfare Light; UT-L and to change or amend definitions of "building height" and "stories." *At the June 6, 2017 City Council Meeting this ordinance was left on the first reading.*

Alderman Tennant 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 Gray, Marsh, Petty, Tennant, and Bunch** voting yes. **Mayor Jordan** voting yes. **Alderman Kinion, La Tour, and Long** were absent.

City Attorney Kit Williams read the ordinance.

Alderman Tennant: We had an Ordinance Review meeting on this. After much discussion we made a decision to take some more time to look at the definitions and the wording a little bit better. The next Ordinance Review Committee meeting will be July 13, 2017 at 4:00 p.m. in Room 326. I would like to table the item until the August 1, 2017 City Council meeting to allow more time for reviewing and public input.

Alderman Petty: We made some good progress at the first meeting with the framework.

Alderman Tennant: I appreciate the active participation in the meeting and look forward to the next one.

Alderman Tennant moved to table the ordinance to the August 1, 2017 City Council meeting. Alderman Petty seconded the motion. Upon roll call the motion to table passed 5-0. Alderman Gray, Marsh, Petty, Tennant, and Bunch voting yes. Alderman Kinion, La Tour, and Long were absent.

This ordinance was tabled to the August 1, 2017 City Council meeting.

New Business:

Amend UDC 161.28 and 161.29: An ordinance to amend §§161.28 District I-1, Heavy Commercial and Light Industrial and 161.29 District I-2, General Industrial to add Use Unit 16, Shopping Goods as a permitted use.

City Attorney Kit Williams read the ordinance.

Andrew Garner, City Planning Director gave a brief description of the ordinance.

City Attorney Kit Williams: One of the reasons we wanted to open up the Industrial District is that there are other limitations where they have to be away from certain things like schools. Even though there might be commercial districts around that are available, this will assure there will be at least something available in the Industrial Park.

Alderman Petty: I am in support of this. I know this action has been generated by the state amendment that was passed for medical marijuana. For Industrial Districts, if a diner thinks they can survive on the lunch traffic of our Commerce District or another industrial area, I would be in favor of adding that as a Use Unit by right to those industrial districts.

Alderman Marsh: I would be in support of that, especially if food trucks could operate there. Adding that Use Unit is a good idea. Alderman Petty is that a formal motion?

Alderman Petty: I don't know what the Use Unit is to craft a motion.

Mayor Jordan: I am three Council members short tonight.

Andrew Garner: That is already allowed in the I-1 and I-2 zoning, Use Unit 13. It has been there for a while.

Alderman Marsh 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 Gray, Marsh, Petty, Tennant, and Bunch** voting yes. **Mayor Jordan** voting yes. **Alderman Kinion, La Tour, and Long** 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 Gray, Marsh, Petty, Tennant, and Bunch** voting yes. **Mayor Jordan** voting yes. **Alderman Kinion, La Tour, and Long** were absent.

City Attorney Kit Williams read the ordinance.

Andrew Garner: I have a correction. The I-1 Zoning District does allow Use Unit 13 eating places by right, but I-2 does not allow eating places. If Council wanted that, then they would have to add that in.

City Attorney Kit Williams: You could make the amendment now if you want.

Alderman Marsh moved to amend allowing Use Unit 13 By Right to the I-2 Zoning District. **Alderman Petty** seconded the motion. Upon roll call the motion passed 5-0. **Alderman Gray, Marsh, Petty, Tennant, and Bunch** voting yes. **Alderman Kinion, La Tour, and Long** were absent.

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

Ordinance 5982 as Recorded in the office of the City Clerk

Announcements:

City Attorney Kit Williams: I noticed that Mr. Harmon walked in after the Raze and Removal was approved previously on the agenda. It would be possible if you wanted to hear anything from Mr. Harmon to do a motion to reconsider at this point. Do you all want to do anything?

Mayor Jordan: Since we have the new time limits I did not feel comfortable doing that unless I got a motion and a second from the Council.

City Attorney Kit Williams: It would have to be a motion to reconsider and be passed by the Council before you could hear from him. You could also do that at the next meeting if you wanted. After that it is too late for a motion to reconsider.

Mayor Jordan: Does anyone wish to make a motion?

Alderman Petty: I don't want to make a motion to reconsider. We all learned at the last Agenda Session that there is a 30 day period to respond to the request. If there is meaningful progress with respect to some of the request I would be the first to reconsider the motion. I'm sure that staff would be accommodating to reasonable progress.

Alderman Tennant: At the next meeting there could be action?

City Attorney Kit Williams: Yes, but up until the end of the next meeting a motion for reconsideration is allowed. We would encourage Mr. Harmon to speak with the Building Safety Code Compliance staff and see if we can get some progress going.

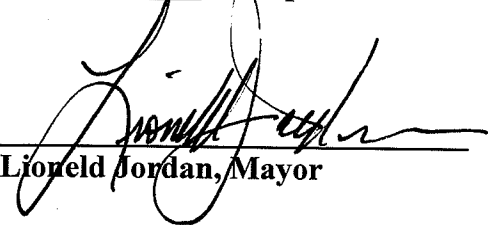
Don Marr, Chief of Staff: The city has updated our utility billing software. It is a foundation for improved customer service and efficiency of processing payments related to the Water, Trash & Recycling Services. There is a new sequence number to replace the customer number on their bill. For customers who have set up reoccurring payments or automatic payments, we will need you to go into your account to update to your new sequence number.

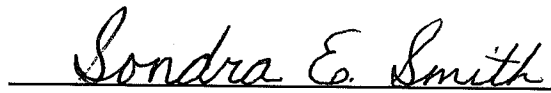
We are having to do some tree removal at the Lake Fayetteville Dam to ensure the integrity. Our Dam Management Plan is approved by the state. If our dam were to break it would put the City of Johnson under water. It is a very important item for us to maintain.

City Council Agenda Session Presentations: None

City Council Tour: None

Adjournment: 6:02 p.m.


Lionel Jordan, Mayor


Sondra E. Smith, City Clerk Treasurer