

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
August 1, 2017**

A meeting of the Fayetteville City Council was held on August 1, 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, Mark Kinion, Matthew Petty, Sarah Bunch, John La Tour, Alan Long, Mayor Lioneld Jordan, Assistant City Attorney Blake Pennington, City Clerk Sondra Smith, Staff, Press, and Audience.

Alderman Justin Tennant and Alderman Sarah Marsh were absent.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports, and Discussion Items:

Distinguished Budget Presentation Award - Presented by Mayor Lioneld Jordan.

Mayor Jordan Presented the Distinguished Budget Presentation Award to Chief Financial Officer, Paul Becker.

Paul Becker, Chief Financial Officer thanked Mayor Jordan and the City Council. He gave special recognition to the Budget Department. He thanked Kevin Springer, Liz Hutchens and Barbara Fell. He stated these are the people that work on this every day and do an outstanding job.

Mayor Jordan: Thank you, Paul for your work and your department's work. You do a fantastic job.

Agenda Additions: None

Consent:

Approval of the July 18, 2017 City Council Meeting Minutes.

Approved

Mount Sequoyah/Baxter Water Tank Fence Replacement: A resolution to approve a budget adjustment in the amount of \$10,000.00 to allow replacement of fences at the Mount Sequoyah and Baxter Water Tanks.

Resolution 146-17 as recorded in the office of the City Clerk

Garver, LLC Amendment No. 3: A resolution to approve Amendment No. 3 to the contract with Garver, LLC in the amount of \$76,970.00 for additional construction management services for the water and sewer relocations associated with Arkansas Highway and Transportation Department Project BB0414 - Porter Road-Highway 112/71B Widening and Interchange Improvements.

Resolution 147-17 as recorded in the office of the City Clerk

Bid #17-41 Jack Tyler Engineering, Inc.: A resolution to award Bid #17-41 and authorize the purchase of two (2) submersible wastewater pumps from Jack Tyler Engineering, Inc. in the total amount of \$68,736.00 for use at the Noland Wastewater Treatment Plant.

Resolution 148-17 as recorded in the office of the City Clerk

Bid #17-42 Truck Centers of Arkansas: A resolution to award Bid #17-42 and authorize the purchase of two (2) Freightliner 114SD dump trucks from Truck Centers of Arkansas in the total amount of \$251,208.00 for use by the Water and Sewer Operations Division.

Resolution 149-17 as recorded in the office of the City Clerk

Bid #17-43 Kraftsman, Inc.: A resolution to award Bid #17-43 and authorize the purchase of two (2) Kraftsman HP20T Low Boy Trailers from Kraftsman, Inc. in the total amount of \$32,310.00 for use by the Water and Sewer Operations Division and Transportation Services Department.

Resolution 150-17 as recorded in the office of the City Clerk

Lewis Automotive Group: A resolution to authorize the purchase of a 2018 Ford F150 Crew Cab 4x2 from Lewis Automotive Group of Fayetteville, Arkansas in the amount of \$24,581.00, pursuant to a state procurement contract, for use by the Police Department.

Resolution 151-17 as recorded in the office of the City Clerk

Hazmat Services Revenue: A resolution to approve a budget adjustment recognizing hazmat services revenue received by the Fire Department from Washington County in the amount of \$4,094.00 and increasing the related expense budget.

Resolution 152-17 as recorded in the office of the City Clerk

B-Unlimited, Inc.: A resolution to approve and certify the participation of B-Unlimited, Inc. in the Arkansas Tax Back program and to agree to authorize the Arkansas Department of Finance and Administration to refund city sales tax back to B-Unlimited, Inc. for qualified purchases.

Resolution 153-17 as recorded in the office of the City Clerk

Garver, LLC Taxiway B Widening: A resolution to approve Task Order No. 9 with Garver, LLC in the amount of \$98,000.00 for design and bidding services related to the Taxiway B Widening and Rehabilitation Project at Drake Field.

Resolution 154-17 as recorded in the office of the City Clerk

Surfco Restoration and Construction, LLC: A resolution to approve a three year lease agreement with Surfco Restoration and Construction, LLC for office space in the Airport Terminal Building at 4500 South School Avenue for rent in the amount of \$411.60 per month.

Resolution 155-17 as recorded in the office of the City Clerk

Arkansas Fashion Week: A resolution to approve a short term lease agreement with Arkansas Fashion Week for the airport hangar at 4578 South School Avenue for rent in the amount of \$1,000.00.

Resolution 156-17 as recorded in the office of the City Clerk

Alderman Gray moved to accept the Consent Agenda as read. Alderman Kinion seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty, Bunch, La Tour, Long, Gray, and Kinion voting yes. Alderman Tennant and Alderman Marsh were absent.

Unfinished Business: None

New Business:

VAC 17-5867 (858 N. Jackson St./Puryear): An ordinance to approve VAC 17-5867 for property located at 858 North Jackson Drive to vacate a portion of a water and sewer easement.

Assistant City Attorney Blake Pennington read the ordinance.

Andrew Garner, Planning Director gave a brief description of the ordinance. He stated the Planning Commission unanimously recommended approval and the utility companies have approved the request.

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

Assistant City Attorney Blake Pennington read the ordinance.

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

Assistant City Attorney Blake Pennington read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. **Alderman Petty, Bunch, La Tour, Long, Gray, and Kinion** voting yes. **Alderman Tennant and Alderman Marsh** were absent.

Ordinance 5989 as Recorded in the office of the City Clerk

Amend § 162.01(S) Unit 18 Gasoline Service Stations and Drive-In/Drive-Through Restaurants: An ordinance to amend § 162.01(S) *Unit 18. Gasoline service stations and drive-in/drive-through restaurants* to clarify that oil change businesses are included with gasoline service stations.

Assistant City Attorney Blake Pennington read the ordinance.

Mayor Jordan: This is something I am bringing forward. The City Attorney approached me last week about changing the classification in Unit 18. I took it to the Chief of Staff and we opted to bring this forward to the City Council.

Don Marr, Chief of Staff gave a brief description of the ordinance.

Alderman Long: Since we are restricting it to lubrication and oil changes for cars, vans, and light trucks, it doesn't look like we have a definition in Chapter 162 for light trucks. Is that something we need?

Andrew Garner: I don't think so. I haven't thought through that issue or even thought that would be something needing to be clarified. I'm assuming from the City Attorney's description, it meant large trucks like 18 wheelers would not be able to be serviced at these places. If that is the intent, than I would be fine to leave it as is.

Don Marr: I believe that was the City Attorney's authorship intent to not include dump trucks or semi-trucks. It was primarily for automotive trucks that one might have at their home in a garage.

Alderman Long: Alderwoman Marsh emailed the City Clerk to have us hold it. If we do hold it, we could possibly define it a little bit. If we are legislating that, we should be clear so we don't run into any situations that wasn't the intent.

Mayor Jordan: I don't mind leaving it on a reading, but I think it is relatively straight forward. I know she requested for it to be sent back to the Planning Commission.

Alderman La Tour: I would like to see us move ahead with it. This is not a controversial issue. I don't see a good reason to hold it for two weeks. We should let this business move ahead.

Alderman Long: What business?

Alderman La Tour: There is a proposal to build a drive-through oil change business. With our regulations, they are in limbo. When we keep a business in limbo, they get discouraged and go someplace else to operate. This is a housekeeping issue and we should move forward. This will show that Fayetteville is business friendly.

Alderman Petty: Does a motion to suspend the rules require six affirmative votes?

Assistant City Attorney Blake Pennington: Correct.

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

Assistant City Attorney Blake Pennington read the ordinance.

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

Assistant City Attorney Blake Pennington read the ordinance.

Alderman Petty: I did think this was a mundane item because logically it makes sense for putting these things together in the same use unit. Also, being aware of the context of how this item came to be, I don't want anybody to mistake my vote today for more than what it is. I want to highlight a suggestion that has been made by the Planning Commission in the past that this use unit be moved over to conditional use generally for the zoning designation in question. I have expressed support for that in the past and I still support that.

Mayor Jordan: My decision was not based on any individual project. It did bring to my attention that we needed to classify this in the area where it needs to be. Otherwise, it is sitting in limbo.

Don Marr: Andrew and I have had recent direction to the Planning Commission that when they would like to see policy changes, like changing use units to conditional uses or taking accessory lots and requiring them to be built at the front end as opposed to the out lot components, those are items they should have a subcommittee recommend. They can then pass them at the Planning Commission if the majority agrees and send them to the City Council for policy decisions. We shouldn't be using individual applications as a method of advocating policy. This discussion about whether that becomes a conditional use is something there is interest in among the Commission to have a discussion about and potentially make a recommendation of policy to put into a conditional use versus a use by right. This is just a clarification of a use unit of what items go together.

Mayor Jordan: An oil change place is different from changing out a transmission, rebuilding a motor or doing body work. That is a mechanic shop.

Don Marr: The car washes are actually in Use Unit 17, not 18. This is gasoline service stations, drive-in and drive-through restaurants and would add this oil change business in this category.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Petty, Bunch, La Tour, Long, Gray, and Kinion voting yes. Alderman Tennant and Alderman Marsh were absent.

Ordinance 5990 as Recorded in the office of the City Clerk

2017 Library Improvement Bonds: A resolution to approve a budget adjustment in the amount of \$26,905,000.00 to appropriate proceeds from the 2017 Library Improvement Bonds to fund the Library Improvement Project.

Paul Becker, Chief Financial Officer gave a brief description of the resolution. He stated a very good interest rate was obtained.

Mayor Jordan: This is a great moment and will advance the city to a different level.

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

Resolution 157-17 as recorded in the office of the City Clerk

Announcements:

Don Marr, Chief of Staff: The 21st Annual Gulley Park Summer Concert Series is coming to a close. We have two remaining concerts on August 10, 2017 and August 17, 2017.

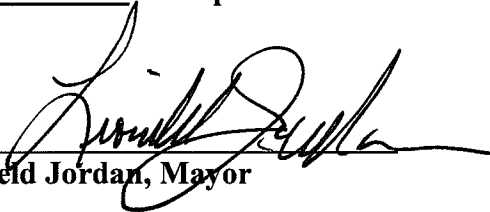
First Thursday is August 3, 2017. Come on out to the Downtown Square.

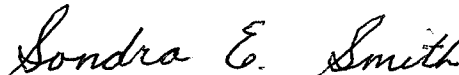
The last Dive-In Movie of the season at Wilson Park will be on August 11, 2017. Gates open at 7:15 p.m. It is free admission.

City Council Agenda Session Presentations: None

City Council Tour: None

Adjournment: 5:57 p.m.



Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk Treasurer