

Council Member Adella Gray
Ward 1 Position 1

Council Member Sarah Marsh
Ward 1 Position 2

Council Member Mark Kinion
Ward 2 Position 1

Council Member Matthew Petty
Ward 2 Position 2



Council Member Justin Tennant
Ward 3 Position 1

Council Member Sarah Bunch
Ward 3 Position 2

Council Member John La Tour
Ward 4 Position 1

Council Member Kyle Smith
Ward 4 Position 2

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

**City of Fayetteville Arkansas
City Council Meeting
February 20, 2018**

A meeting of the Fayetteville City Council was held on February 20, 2018 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: Council Members Adella Gray, Sarah Marsh, Mark Kinion, Matthew Petty, Justin Tennant, Sarah Bunch, John La Tour, Kyle Smith, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

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

Agenda Additions: None

Consent:

Approval of the February 6, 2018 City Council Meeting Minutes.

Approved

Missy Gipson Short-Term Lease Agreement: A resolution to approve a short-term lease agreement with Missy Gipson for the Drake Field Terminal Building banquet area for rent in the amount of \$400.00.

Resolution 54-18 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 \$2,305.00 and increasing the related expense budget.

Resolution 55-18 as recorded in the office of the City Clerk

Bid #18-16 Art Thureson, LLC: A resolution to award Bid #18-16 and authorize the purchase of two twelve-foot wide prefabricated bridges from Art Thureson, Inc. of Waterford, Michigan in the total amount of \$79,000.00 plus applicable taxes to replace two existing five-foot wide bridges in Gulley Park.

Resolution 56-18 as recorded in the office of the City Clerk

Southwestern Electric Power Company Agreement: A resolution to approve an agreement with Southwestern Electric Power Company to participate in an energy efficiency rebate program and accept an incentive rebate in the amount of \$14,664.60, and to approve a budget adjustment.

Resolution 57-18 as recorded in the office of the City Clerk

Watershed Conservation Resource Center Task Order No. 6: A resolution to approve Task Order No. 6 with the Watershed Conservation Resource Center in the amount of \$25,140.00 for the repair of flood damage to the stream restoration project at Sweetbriar Park.

Resolution 58-18 as recorded in the office of the City Clerk

Lake Fayetteville Improvements Project: A resolution to approve a budget adjustment in the amount of \$18,000.00 recognizing parkland dedication fees from the Northeast Quadrant to be used to upgrade the water line and plumbing at the Veterans Park restroom facility.

Resolution 59-18 as recorded in the office of the City Clerk

University of Arkansas Memorandum of Agreement: A resolution to authorize the Mayor to sign a Memorandum of Agreement with the University of Arkansas to provide half of the funding for a Bicycle and Pedestrian Coordinator position with the total amount paid by the city not to exceed \$30,000.00.

Resolution 60-18 as recorded in the office of the City Clerk

OurPharma, LLC Tax Back Program: A resolution to approve and certify the participation of OurPharma, LLC 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 OurPharma, LLC for qualified purchases.

Resolution 61-18 as recorded in the office of the City Clerk

Street Name Change: A resolution to change the name of West Maclure Way to West Maclura Way, and to change the name of West Zander Drive to West Anthem Drive.

Resolution 62-18 as recorded in the office of the City Clerk

Repeal Resolution No. 40-18: A resolution to repeal resolution No. 40-18 and authorize the purchase of a 2018 Dodge Ram from Steve Landers Chrysler Dodge Jeep of Little Rock in the amount of \$26,971.00, pursuant to a state procurement contract, for use by the Police Department.

Resolution 63-18 as recorded in the office of the City Clerk

Council Member Marsh moved to accept the Consent Agenda as read. Council Member Kinion seconded the motion. Upon roll call the motion passed unanimously.

Unfinished Business:

RZN 17-6034 (2468 N. Crossover Rd./Jones): An ordinance to rezone that property described in rezoning petition RZN 17-6034 for approximately 4.40 acres located at 2468 North Crossover Road from RSF-2, Residential Single Family, 2 units per acre to NS-G, Neighborhood Services-General. *This ordinance was left on the first reading at the February 6, 2018 City Council meeting.*

Council Member Gray moved to suspend the rules and go to the second reading. Council Member La Tour seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Garner Stoll, Development Services Director gave a brief description of the ordinance. He stated he received a call from the applicant, Mr. Jones and wants to change the request to Neighborhood Services Limited.

Jerry Jones, Applicant stated he would like the rezoning to be lowered to Neighborhood Services Limited. He believes it is fair to his neighbors, a good compromise, and would work for the area.

There was a brief discussion about the differences between the NS-G and NS-L zonings.

Council Member Tennant: What about the height of the buildings?

Garner Stoll: Three stories. The existing zoning is three stories too.

There was discussion about a possible amendment.

Council Member Marsh moved to amend the rezoning from NS-G to NS-L per the applicant's request. **Council Member Smith** seconded the motion. Upon roll call the motion passed unanimously.

Paul Henry, 2885 East Township spoke about traffic concerns and safety. He spoke against the ordinance and stated it isn't consistent with City Plan 2030. He believes there would be a side effect of spot zoning.

Council Member Tennant: There's been comments about us leaving this zoning alone until the property on the south and east comes up for sale because then you would have a complete area of developable land. Is that something we should consider or is there precedent? Are there legal issues with making a zoning while only making assumptions on future areas that surround that area?

City Attorney Kit Williams: Each zoning should stand on its own. There are many things that the City Council can consider, such as spot zoning and safety. I believe the most important part of zoning is compatibility with the adjoining and nearby neighborhood. The property owner is entitled to some sort of judgement of the City Council in his zoning request. It shouldn't be postponed until some indefinite time in the future when something else might occur. I have not ever seen that recognized by the Arkansas Supreme Court as a valid zoning consideration. The 2030 Plan is another thing that you consider.

Council Member Tennant: I think this will be developed at some point in time, whether it all is or just this piece. If it is left residential, I don't believe single family will work on this piece because it has been sitting there for years. No one wants it as single family residential because it's too close to Highway 265. What density do you think is acceptable on that piece of land if it stays residential?

Paul Henry: I think it would be higher density than what it is, but the access needs to change because our safety concern is that Highway 265 is a danger. I ask that we don't go forward, not to hinder him, but to allow for a better plan to be put together.

Council Member Bunch: Is this a typical rezoning that we do not have a development plan proposed at this time?

Garner Stoll: This is normal except for the Planned Districts. The Planned Districts require some overall scheme of development of the property.

Don Marr, Chief of Staff: We have tried to make sure that development discussion was not a part of a rezoning discussion because the use of the land is what you are deciding on, not what's going to be built on it. It is whether the uses are appropriate. We have been advised by our City Attorney numerous times to make sure we don't mix those two.

Council Member Tennant: Traffic is going to be an issue, regardless of what goes in there. As I look at the property to the east and south, even if you leave it the current houses per acre, you are looking at 30 plus houses. That is 120 cars coming in and out. This is not going to eliminate traffic, no matter what we do.

Ted Runnells, Citizen spoke about safety and traffic concerns.

Council Member Tennant: There is a dedicated street or an old street that was never built. Am I correct?

Andrew Garner, City Planning Director: There is a platted right-of-way from Firewood to the north. It's in between two houses. It has not been built as a street, but there is a legal access point.

Council Member Tennant: The original idea was to attach Candlewood to some sort of access out to Township?

Ted Runnells: It was just another way to get out before Candlewood was there.

Council Member Tennant: We can't build it now because a house is there?

Andrew Garner: No, there is not a house there. There's just a driveway.

Ted Runnells: We definitely would like for it be residential, if anything.

Council Member Tennant spoke about Mr. Runnells access to Township.

Ted Wade, Citizen spoke about traffic flow concerns and people coming down his private driveway. He spoke about property value concerns.

Council Member Tennant spoke about the ways people may turn off Highway 265. He requested to know the rules about a citizen putting a private gate up if it's not a city street.

Mayor Jordan: They could if they wanted. It is their driveway. Correct?

Andrew Garner: Yes. We have laws against gated subdivisions. In this case, it's a private driveway. I don't see an issue with putting a gate across their own driveway.

Council Member Tennant: It is three houses.

Andrew Garner: Right.

Council Member Tennant: It's the access road to their driveway. Does that make a difference?

Andrew Garner: I would have to read through the fine print of that code. I believe the intent of the code is to prevent gated communities and apartment complexes. People have put gates on properties for their own private driveway and that has been allowed. In this case it sounds like it is two or three houses and not gating up a whole subdivision. They all still have public street access as well.

Council Member Tennant: I don't know that they will do this, but there really is a traffic problem in that access road. The Fire Department would need access if they ever needed to get in there.

Mayor Jordan: The Fire Department will get in there if need be.

Council Member Tennant: I don't doubt it. I don't know if that makes a difference for those three homes. There is a safety factor with that road being used as a turnaround. Logically, it would be used for a turnaround more, if anything went in there.

Don Marr, Chief of Staff: We will do research because there are many neighborhoods in this city where they were not built to the residential street standards that were done as private drives. We identified a lot of these during the ice storm because we were prohibited from cleaning up on those streets. They can't be blocked because the public has to access and public safety responses. It depends on the number of households' access as to whether it can be gated.

Council Member Tennant: In this spot, there can't be any more homes. It's three large houses.

Don Marr: It may be able to be done as a driveway. I don't want other subdivisions who have private roads thinking they can put up a gate. We have rules against that.

Council Member Tennant requested more research to be done.

Council Member Marsh moved to suspend the rules and go to the third and final reading. Council Member La Tour seconded the motion. Upon roll call the motion failed 4-4. Council Members Gray, Marsh, Petty, and La Tour voting yes. Council Members Kinion, Tennant, Bunch, and Smith voting no.

Council Member Kinion: We might need to take another City Council tour. I know we have been to this property in this area before. We can talk about it at Agenda Session.

City Attorney Kit Williams: It will be heard at the next City Council meeting unless something else is done, such as a motion to table.

Council Member Tennant stated his appreciation for leaving it on the second reading to allow for more citizen discussion and research. He requested to know if city staff wanted Neighborhood Services Limited from the beginning?

Garner Stoll: Yes, NS-L.

Council Member Tennant: The Planning Commission wanted Neighborhood Services General?

Garner Stoll: That's right.

Council Member Tennant: Did you look at other options? Was that the best of several options or was that the only one that made sense at the time?

Garner Stoll: We were aware of the two previous requests for RO and RSF-8. For one reason or another, both got high centered. One thing I thought was applicable here was the smaller building size, the buildings have to be on the street, and the parking has to be adjacent to the buildings.

From the highway, it doesn't give you that hard edge strip commercial look with large parking lots. It allows residential and office uses, low level commercial uses on top of each other in a vertical manner. It's a beautiful site with lots of trees and depth. Fayetteville's process is that first we zone, then we plat, and then we site plan.

Council Member Tennant: In the zoning classifications, I was surprised there wasn't a smaller unit size allotted. I thought there would be something in the middle. Didn't it go from 3,000 square feet to 25,000 square feet at one time and then 8,000 square feet became the middle?

City Attorney Kit Williams: Yes. The NS-G was designed to be the middle. The NS-L used to be Neighborhood Services.

Council Member Tennant: So, we went from either 3,000 square feet to 25,000 square feet?

City Attorney Kit Williams: That is correct.

Council Member Tennant: You can't get smaller than 3,000 square foot buildings in this case. Mixed use would allow for a building to be built three stories high with a mixed use of residential and retail.

Garner Stoll stated yes. He spoke about the limitations on commercial and square foot requirements.

Council Member Tennant spoke about it being a difficult spot on Highway 265 because of accessibility. He stated no one wants anything but residential as it sits on the plot. He stated a City Council tour would be advisable.

Council Member Marsh: We have talked about the impact of this on a specific neighborhood. We need to zoom out and think of this in the regional context. This is Highway 265 and it is a regional corridor. If we think in terms of future transit planning and we are going to put density somewhere, this is a good place to put it.

Council Member Tennant: What is the traffic count on Highway 265 around that area?

Devin Howland, Director of Economic Vitality: 21,000 cars. That is 1/3 of I-49's volume.

Council Member Tennant: That's a lot.

Council Member Bunch: I had requested some information on accidents because the traffic is an issue. I didn't receive it in time to review it, but when we do our site visit, we can look at it.

This item was left on the Second Reading.

New Business:

Centennial Open Space Acquisition: A resolution to approve the attached real estate contract in which Centennial Bank agrees to sell and convey to the City of Fayetteville approximately 228 acres pursuant to a special warranty deed for \$3,302,250.00, to authorize Mayor Jordan to apply for and accept a generous 50/50 matching grant from the Walton Family Foundation for this acquisition, to authorize Mayor Jordan to enter into a no interest five year loan from the Walton Family Foundation in the amount of \$1,651,125.00 and to approve the attached budget adjustment.

Devin Howland, Director of Economic Vitality gave a brief description of the resolution.

Council Member Tennant: I always try to look at the future when doing things like this. There is an investment on our part, even though it is a very good financial deal for our taxpayers. In the future, I could envision something like the X Games coming to Northwest Arkansas. We have the U of A, Walton Foundation, top five place to live, expanding airport, and soon we'll have nonstop four lane interstate roads leading to millions of people. Would something like this be a relatively inexpensive investment on that coming down the line?

Devin Howland: I think so, especially because they are soft surface trails that will be developed on the site. It is important to think big. To have an amenity that could potentially be designed if the Master Plan envisions it is a very big draw.

Council Member Tennant: For that Master Plan to happen, these pieces need to be in place to add to the other pieces we have in place.

Devin Howland: It would be a great diversification of the soft trails in the city and in the region as well.

Council Member La Tour: I am very excited about the project. I had a concern about the perpetual nature of it. I'm excited about the economic vitality that it can add and the potential to make Fayetteville a destination in the biking circuit. It's a good financial deal. When can I ride my bike on it?

Devin Howland: There is no timeline commitment to build the facilities. It will be as budget and capital permits.

Council Member Tennant: This is why we have an A&P Commission, Chamber of Commerce, and the tourism groups. They go out and actively find people. This will empower them even more to find ways to get people here.

Council Member Marsh: I love this plan and the environmental benefits. We are getting a great deal on the land, but it is going to cost us \$1.6 million over the next five years. This will have to come out of our budget. We have a waiting list for sidewalks that is over 14 years long. We have neighborhoods that need to be connected with sidewalks and trails, that will serve people every day, not just tourist. We need to consider how we are going to pay for that because we have a tight

budget. If we are going to spend \$330,000 a year on this, where is that going to come from? I hope we don't cut it out of our existing sidewalk and trail plan.

Paul Becker, Chief Financial Officer: This will be like any one term investment. In the General Fund, we will end the year with about \$5 million or \$6 million over and above the 60-day financial reserve. It wouldn't be cut out of the operating budget or any of the capital projects you all approved during the CIP project. Reserves are for an economic downturn. Also, opportunities come along occasionally to invest and this is one of those opportunities. The \$1.6 million won't cut into our reserves to a great degree because it's going to come out incrementally over a five-year period.

Council Member Marsh: Normally we take out money that's left over and use that for raises for our staff. Is this going to affect our ability to give raises, especially police and fire?

Paul Becker: You can't take one-time money and pay salaries over a period of time. That money wouldn't be appropriated to use in that salary package anyway. When we do talk about the raise package, we can't go into reserves to maintain it. It shouldn't affect that discussion.

Mayor Jordan: When we made that decision, we talked about how we would pay for it. We have a no interest loan we can pay back in a five-year period, which leaves the reserves in place in case we need to do more things.

Council Member Marsh: I'm hearing from the community that they don't want to see short-changed neighborhood parks. We want to make sure we can have sidewalks and trails for our residents' day to day use. We want to be able to pay our police and fire to get them up to market rate.

Mayor Jordan: This a decision you have to make tonight as to whether you think this is a good investment.

Don Marr: There are certain things that come before you, once. The ability to purchase Kessler came before us, one time. You have an opportunity to take it or leave it. All of us who manage the taxpayers' money has a fiduciary responsibility to minimize the risk, but take advantage of opportunities where citizens get a huge return. A 50% match on a piece of property is only available to us because of a foreclosure. A bank is willing to take less money for a public benefit in matching funds. There is not a timeline to build trails and that was purposeful by the Mayor. There is a time requirement for this land. Without a funding partner and a bank willing to take it off an auction, we wouldn't be here talking about it today. On behalf of all city staff, you have the ability to have this discussion because of strong money management. The contract states we must close on this before March 30, 2018. Thank you to the Walton Family Foundation for partnering with us. We think this is a great economic development item with the use of reserves over five years and zero interest for 228 acres with no development requirement, only within your existing plans and what you prioritize.

Council Member Smith thanked city staff for their work on the item. He stated there wasn't a reason to not like plan. He wanted to know what happens when there is not a big mountain bike

event? He wanted to know if it would stay open for hiking and recreational use that's not racing and will it put any limitations on the city about tree preservation?

Devin Howland: Looking at the property where the trail head is, there was a planned road on the northern end. Whatever method we use to protect the land, we have to make sure that it's in line with those outputs and outcome agreements, which would allow us eight to ten miles of soft trails. This would be open to the public, not just for events.

Council Member Bunch: I am grateful with the relationship we have had with the Walton Family Foundation. This is a good economic standpoint from the sales tax revenue, HMR revenue, and the businesses that may pop up around it. There seems to be some challenges with a development at this site if it were sold to a developer. This is a great way to maintain our environmental area that we would like to see when coming into Fayetteville.

There was a short discussion about the cost to develop.

Jeff Amerine, Startup Junkie stated this project would drive tourism and help to attract and retain the best talent.

Kyla Templeton, National Interscholastic Cycling Association League (NICA) and Race Director expressed her enthusiasm for the resolution.

Dr. Ellen Brune, Startup Junkie and Coach for the NICA League spoke in favor of the resolution.

Molly Rawn, Executive Director of Experience Fayetteville spoke in favor of the resolution.

Erin Scott, Environmental Action Committee Member spoke in favor of the resolution.

Colin Massey, 1630 North Jordan Lane stated he was on the Environmental Action Committee. He spoke in favor of the resolution.

Chuck Maxwell, 1063 North Kings Drive stated he was on the Parks & Recreation Advisory Board and President of the Ozark Off Road Cyclist. He spoke in favor of the resolution.

Paxton Roberts, Executive Director of BikeNWA. He spoke in favor of the resolution.

Sonia Gutierrez requested more natural barriers be placed between 49 and residential to help with noise reduction. She spoke in favor of the resolution.

Frank Sharp, Kessler Mountain spoke about the positive quality of life in Fayetteville. He spoke in favor of the resolution.

Elizabeth Bowen, Northwest Arkansas Regional Planning Commission spoke about open spaces and is in favor of the resolution.

Paula Marinoni, 617 West Lafayette Street spoke in favor of the resolution.

Steve Clark, President & CEO of Fayetteville Chamber of Commerce spoke in favor of the resolution.

Will Dockery, 4149 West Bradstreet Lane spoke in favor of the resolution.

Don Marr stated his appreciation for Mayor Jordan and his forward-thinking vision for the future.

Mayor Jordan thanked Don Marr, Devin Howland, Paul Becker, Kit Williams, staff that worked on the item, City Council, Centennial Bank, and Walton Family Foundation. He spoke about future projects.

Council Member Marsh moved to approve the resolution. Council Member La Tour seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 64-18 as recorded in the office of the City Clerk

RZN 18-6076 (203, 205 & 207 S. West Ave./Rouse): An ordinance to rezone that property described in rezoning petition RZN 18-6076 for approximately 0.47 acres located at 203, 205 & 207 South West Avenue from NC, Neighborhood Conservation to RI-U, Residential Intermediate, Urban.

City Attorney Kit Williams read the ordinance.

Garner Stoll, Development Services Director gave a brief description of the ordinance. He stated the Planning Commission and staff recommend approval.

Council Member Gray moved to suspend the rules and go to the second reading. Council Member Marsh seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Council Member Marsh moved to suspend the rules and go to the third and final reading. Council Member Gray seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 6038 as Recorded in the office of the City Clerk

Appeal RZN 17-6046 (East of Greens Chapel Rd./Walker): An ordinance to rezone that property described in rezoning petition RZN 17-6046 for approximately 29 acres located east of

Greens Chapel Road from R-A, Residential Agricultural to RSF-4, Residential Single Family, 4 units per acre.

City Attorney Kit Williams read the ordinance.

Garner Stoll, Development Services Director gave a brief description of the ordinance.

Blake Jorgensen, Jorgensen & Associates: We don't like to appeal the staff or Planning Commissions' denial. In this case, we are stuck with the surrounding property that we have street stub outs that were designed and designated to create connectivity in a pattern consistent with a more neighborhood development pattern. We have commercial amenities in the area. I believe this is compatible and harmonious for the area.

Carl Walker, Property Owner: The way the streets go into this property and how it fits with the other ones, it is a perfect fit. We would like to offer housing in an affordable range that fits in the area.

Mayor Jordan: Is Ruppel west of that?

Garner Stoll: Yes.

Mayor Jordan: How far?

Garner Stoll: Close to a mile.

Council Member La Tour: What are some examples of potential uses of Rural Agriculture?

Garner Stoll: The Rural Agriculture District allows one unit per two acres, residential. It also allows the agriculture uses.

Council Member La Tour: I feel strongly we should allow this landowner to develop his land. I know it isn't infill development, but you can't build a house on a two-acre lot affordably. It would fit nicely with housing developments on two sides of it. I don't see any reason to deny this request.

Council Member Marsh: I agree with staff and the Planning Commission assessment of this property. Four units per acre is not an appropriate land use. Based on the 2030 Plan, we are supposed to be discouraging suburban sprawl. It could exasperate flooding issues downstream. The further out you get, the more you are going to spend on transportation cost and that affects the affordability of the home.

Council Member La Tour: I have nothing against infill development and the urban look. We need to have variety in the marketplace. I don't view it as a great immoral breach by letting this landowner develop his land with affordable housing in an area of town that is growing. I agree it will cost more to drive there than somewhere in Downtown, but many people are economically affluent enough to cover that cost. It would be a waste to hold the land with no development when

someone is willing to develop it. We have a housing shortage in Fayetteville. Each new house brings in economic development.

Council Member Smith: When speaking about sprawl, it's not further out than the edge of the residential developments there already.

A discussion followed about the date the area was zoned.

Council Member Smith: Where is our line for sprawl?

Council Member Marsh: When we approved the Ruppel Road extension, there was the understanding it was going to be the western growth boundary of the city. This falls way outside of the Ruppel Road area. Out beyond that was supposed to be agricultural enduring green network area. A lot of these other subdivisions were approved before we did that deal. The assumption is that we are going to try to concentrate new growth within the Mayor's box around the city or directly adjacent to it.

Mayor Jordan gave a brief historical description of the area when he was a Council Member.

Don Marr spoke about it being an area that changed when the nation was experiencing an economic downturn in 2011. He stated more discussion is needed in the 2030 Plan to have City Council direction on policy. He stated there is confusion on what is defined as sprawl and it needs to be identified. He believes this rezoning request is caught in the middle between two plans.

Garner Stoll: There are two questions that are relevant when we work on the new plan. The first is, have the services and utilities been expanded that it makes fiscal sense to allow this area to be developed at a higher density than the residential agricultural district. The second question is that if the answer is yes, what character of development are you looking for.

Don Marr: When the city went through the recent Bloomberg Housing Grant that we got, one of the things identified by members of our community was that we needed more walkable areas around the community. In our growth concept maps, we should be identifying all areas in town, not just Downtown in the urban core.

Council Member Tennant: Even though I like the idea of future areas of walkability, this piece of land is trapped in a no man's land. I don't see why you don't follow the current pattern and allow this. I support the rezoning.

Council Member Bunch: I'm a big proponent of infill and walkability. I don't usually support projects that contribute to urban sprawl. I see the challenges people face in trying to find affordable housing in Fayetteville. They are looking outside the City of Fayetteville in smaller communities for homes.

Council Member Kinion: As a banker, I am faced with trying to find affordable housing with an affordable mortgage plan for families of modest means. This is in a rural development area. There are programs that would allow a family to get into this with a rural development loan. If you look

at this piece of property, we have water, sewer, the capacity for growth, and to develop it in an affordable manner. It's not so far away from services that it will make transportation an issue. This is affordable housing and I support that.

Council Member Smith: Can you put a number on what you consider affordable housing?

Carl Walker: For this area, it would probably be around the \$175,000 to \$200,000 range.

Council Member Petty: How big would a \$200,000 house be?

Carl Walker: The housing market right now in the western part of Fayetteville is around a 110-square foot to 120-square foot. An 1,800-square foot house would cost around \$200,000.

Council Member Petty: I don't think sprawl versus infill is the right way to talk about this. When we talk about walkability, it doesn't have anything to do with how far a place is from somewhere else. Walkability means you've got an opportunity to park once and do more than one thing. There is no such thing as walkability when you only have four units to the acre. You can't achieve that because your distances from most homes in that environment on average are too great for people to walk. I'm basing my decision on if this is fiscally a good decision for the city. The money won't be there whenever it's time to replace the roads again.

Council Member Marsh: RS-4 development does not pay for the cost of infrastructure to maintain it. We have an abundance of single family, three bedrooms, and two bath homes. The demographics of our households are changing. We are already over 75% child free households. It isn't that we don't have enough housing, it's that we don't have the right kind of housing.

Council Member Kinion: We have completed our 20-year water plan. In this area, we are not struggling for infrastructure, it's on the east side of town, not on the west side of town. In this specific piece of property, we already have the investment in the infrastructure with the capital available to expand into this at this density without causing additional pressure on the capital improvements needed to move forward.

Council Member Petty spoke briefly about infrastructure cost and tax revenue. He stated there is no math that will account for the tax revenue that needs to be collected when building four units per acre that will cover the replacement costs for roadways, water, and sewer. He stated the only math that makes it work is higher taxes or a radical increase in the number of homes on the site.

Council Member Kinion moved to suspend the rules and go to the second reading. Council Member La Tour seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Council Member Gray moved to suspend the rules and go to the third and final reading. Council Member La Tour seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Council Member Smith stated if the item came back with greater density he might be more in favor of it. He doesn't believe it is the best use of the land in the area.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-3. Council Members Gray, Kinion, Tennant, Bunch, and La Tour voting yes. Council Members Marsh, Petty, and Smith voting no.

Ordinance 6039 as Recorded in the office of the City Clerk

RZN 2018-0090 (City of Farmington, Red Canyon Development, LLC): An ordinance to approve the City of Farmington's rezoning of that property described in rezoning petition RZN 2018-0090 for approximately 126.03 acres located at Double Springs Road from A-1, Agriculture District to R-1, Single Family Residential.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: According to state law, we only have to do a resolution. I apologize for writing an ordinance. We are not approving this rezoning, you are considering whether the rezoning in Farmington is compatible and will not adversely impact the adjoining property within our own city limits. Farmington made the decision to rezone, but to have it be effective, the City Council must concur with that and say it will not adversely impact our property.

Council Member Petty: Could you clarify if you mean adverse impacts of the abutting property?

City Attorney Kit Williams: Yes.

Council Member Petty: Merely the abutting properties?

City Attorney Kit Williams: That is what they are looking at. It's not crystal clear, but I think that's what is looked at. When this has happened before, we've rezoned property in Johnson and other places have approved it. The adjoining property is what they are talking about and whether it's going to be compatible and not adversely impact it.

Garner Stoll, Development Services Director gave a brief description of the ordinance. Staff believes it is compatible.

Council Member La Tour moved to suspend the rules and go to the second reading. Council Member Gray seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Council Member Gray moved to suspend the rules and go to the third and final reading. **Council Member La Tour** seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 6040 as Recorded in the office of the City Clerk

Amend Article XI Environmental Action Committee: An ordinance to amend Article XI **Environmental Action Committee** in Chapter 33 **Departments, Boards, Commissions and Authorities** of the Fayetteville Code to add consideration of climate mitigation and adaptation strategies and policy recommendations regarding energy efficiency and clean energy to the purpose of the committee.

City Attorney Kit Williams read the ordinance.

Peter Nierengarten, Sustainability & Resilience Director gave a brief description of the ordinance. He stated the Environmental Action Committee recommended unanimously in favor of the amendment.

Council Member La Tour: What legal liabilities would the members of the Environmental Action Committee have if they recommended something and it turned out that people lost money?

City Attorney Kit Williams: I believe they would have zero liabilities. They are an advisory committee. They can give you and the Mayor advice and then it is up to you to decide whether you are going to take the advice or not. When you make a decision, it's normally going to be a legislative decision by the City Council, which is granted deference by the courts. It would never be arbitrary and capricious, so it would never be overturned.

Council Member La Tour: If we pass this ordinance, will it still be advisory?

City Attorney Kit Williams: Yes. None of your advisory committees' have any ultimate authority. All the advisory committees are simply to provide advice to you. The City Council always makes the final decision as a body.

Mayor Jordan: A Council Member could sponsor a recommendation from the committee?

City Attorney Kit Williams: Yes. You could bring resolutions or ordinances forward and it would be up to the City Council to adopt them.

Don Marr, Chief of Staff: At times, we will have people mad because some Council Member brought an item directly to the Council, rather than going to the advisory committee. That is not a

requirement. Council Members, Mayor, any elected official, and any person's name on a ballot can bring an item to this Council without having to go through a committee. All our committee members are advisory in nature.

Mayor Jordan: An elected official can bring anything they want to the Council, including myself.

Peter Nierengarten: The Environmental Action Committee consist of 11 citizens from the City of Fayetteville. One Council Member, one member from the local industry, one member from a science discipline, and eight citizens at large.

Don Marr: This is a strong and active citizen committee. We appreciate their feedback.

Council Member Marsh spoke about the high caliber applicants that are received for the Environmental Action Committee. She stated her appreciation to citizens for their expertise on environmental issues.

Council Member Marsh moved to suspend the rules and go to the second reading. Council Member Smith seconded the motion. Upon roll call the motion passed 7-1. Council Members Gray, Marsh, Kinion, Petty, Tennant, Bunch, and Smith voting yes. Council Member La Tour voting no.

City Attorney Kit Williams read the ordinance.

Council Member Gray moved to suspend the rules and go to the third and final reading. Council Member Marsh seconded the motion. Upon roll call the motion passed 7-1. Council Members Gray, Marsh, Kinion, Petty, Tennant, Bunch, and Smith voting yes. Council Member La Tour voting no.

City Attorney Kit Williams read the ordinance.

Council Member Smith thanked the Environmental Action Committee for all their work.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-1. Council Members Gray, Marsh, Kinion, Petty, Tennant, Bunch, and Smith voting yes. Council Member La Tour voting no.

Ordinance 6041 as Recorded in the office of the City Clerk

Announcements:

Don Marr, Chief of Staff: For citizens who use our trail system for their transportation, we will have a significant section closed on the greenway. It's Frisco Trail between Maple and Frisco for a re build situation. It will be closed 24 hours a day from February 20, 2018 through February 23, 2018.

The city added complimentary WIFI in 10 park locations throughout the city. Thank you to our IT Department and Communications Department for their work to expand these services.

We have street work taking place on Rebecca, Summerhill Drive, and Garland Avenue.

The Spring Bulky Waste Cleanup have been set. Ward 1 will be on March 31, 2018 from 7:00 a.m. to 2:00 p.m. More information is on the website.

Council Member Petty: The local chapter of the Urban Land Institute won a grant last fall to study a segment of College Avenue. It's a study of health outcomes and its effect on the health of the community. The final presentation is coming up on Friday at the Town Center from 10:15 a.m. to noon. I would like to invite City Council and the public to attend.

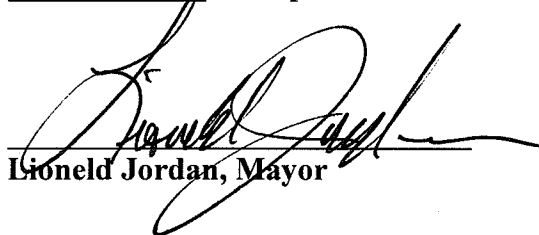
A discussion followed about what types of items could be disposed of on clean up days.

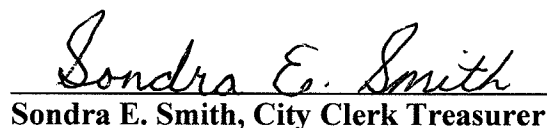
City Council Agenda Session Presentations:

Agenda Session Presentation - Residential Energy Code Policy Analysis

City Council Tour: None

Adjournment: 8:34 p.m.


Lioneld Jordan, Mayor


Sondra E. Smith, City Clerk Treasurer