

065

A MEETING OF THE FAYETTEVILLE CITY COUNCIL

A meeting of the Fayetteville City Council was held on Tuesday, February 17, 1998, at 6:30 p.m., in the Council Room of the City Administration Building, 113 W. Mountain, Fayetteville, Arkansas.

PRESENT: Aldermen Heather Daniel, Cyrus Young, Randy Zurcher, Trent Trumbo, Donna Pettus, and Kit Williams; City Attorney Jerry Rose; Deputy City Clerk Jane Heth; staff; press; and audience.

ABSENT: Mayor Fred Hanna and Aldermen Stephen Miller and Len Schaper

Alderman Williams, acting as Assistant Mayor, called the meeting to order with six aldermen present.

STATE OF THE CITY ADDRESS

Alderman Williams read Mayor Hanna's State of the City Address. The State of the City Address is included here as written:

In past years, I stated that Fayetteville's biggest challenge was managing its growth. Each time Fayetteville is named as one of the most livable cities in America, the challenges of managing that growth and maintaining that livability increase. I think we have done both.

I feel 1997 was an excellent year for Fayetteville and I continue to believe that three things account for this: a dedicated city staff, a responsive City Council, and the cooperative citizens of Fayetteville, all with the best interests of our city at heart.

- ▶ I believe a great step forward in 1997 was the confidence shown by voters in approving the issuance of bonds to finance a Town Center and Parking Garage in downtown Fayetteville, a joint effort between the City and the Advertising & Promotion Commission. The Town Center will be the crown jewel in a revitalized downtown area in which we can all take pride.
- ▶ We are in excellent financial health. The preliminary, unaudited financial statements for 1997 are available for City Council and public inspection, with an



February 17, 1998

independent audit to be conducted later this year. We have a balanced budget, with sales tax revenues continuing to increase, up over 5% from 1996, totaling over \$9 ½ million.

- ▶ The Hotel/Motel/Restaurant, or HMR tax, added just under \$2 million, with half pledged to promote tourism to our city. The other half is being used for the City Park Development Fund to help keep our city green and beautiful for its citizens.
- ▶ The city's inspection division issued over 5,000 permits and completed over 30,000 inspections in 1997. Almost a hundred Planning Commission items were processed last year, including more than two dozen large scale developments.
- ▶ We presented to the City Council last February a comprehensive wastewater master facilities plan to identify and evaluate options for the much-needed improvements to our wastewater collection and treatment facilities. While the voters did not approve the annexation for a new wastewater treatment plant, we will continue to look at options for the placement of a plant to meet the increased demands placed on our wastewater system as we grow.
- ▶ With the City of Springdale, we jointly purchased the White River Rural Water System's southern portion which will greatly expand water service capability.
- ▶ Traveling around our city became easier and safer for our citizens this year. Consider the road construction projects we've completed: the four-lane Joyce Boulevard extensions both east and west, the Razorback Road construction leading to the University, and the Mission Boulevard/North Street intersection which will help travelers through those busy areas.
- ▶ Along with new road construction and improvement was our in-house overlay program. I continue to hear more compliments from our citizens on that program than just about any other. Over 15 miles of city streets were

067

February 17, 1998

smoothed and resurfaced, including popular sections of School Avenue, Dickson, Maple, West Street and Zion Rd.

- ▶ Not all of our progress had to do with streets. In Fayetteville we value our people. Consider the Yvonne Richardson Center during its first full year of operation. It hosted almost 20 special or neighborhood events which attracted almost a thousand people.. Each day during the school year, almost a hundred children & young adults enjoy the use of this remarkable Center.
- ▶ Fayetteville is a city which cares about what we will leave to our children. This includes preserving our resources for future generations. This past November, a major water leak was discovered in a heavily populated area of the city. We were losing hundreds of thousands of gallons of precious water. About a half hour after locating the leak, your city crews repaired it and kept water service at full pressure for our citizens.
- ▶ Fayetteville continues to be served well by our excellent police force. Citizens made over 16,000 calls to the 911 Emergency Center. The average response time for an officer to arrive at the scene was under 4 minutes. This year we formally opened our Northwest Arkansas Mall Police Substation with three full-time bicycle patrol officers in the business area around the Mall and Veteran's Memorial Park.
- ▶ We continue to be proud of our Fire Department. While we had one fire fatality in 1997, citizen injuries from fires were down to one this past year compared to fourteen the year before. 1997 was also the first time during the '90s that there was not an increase in annual fire loss. Our citizens are now also protected by the new Hazardous Materials Response Unit which will greatly help protect citizens from toxic substances.
- ▶ Fayetteville became even more pleasant through the efforts of our Parks and Recreation Division. Wilson Pool was renovated, Gordon Long Park was dedicated, and the first year of our *Summer Concert Series* at Gulley

February 17, 1998

Park was overwhelmingly successful, with over 7000 citizens enjoying live music under the summer skies.

- ▶ Our city has benefitted by progress in Sidewalks and Trails. A number of sidewalks were built, repaired or replaced, with areas for trails and greenspace being developed. New overhead street markers and efficient traffic signals were installed to keep our citizens safe as they travel our streets.
- ▶ Even the four-legged residents of Fayetteville were served well during 1997 by such projects as the "Park for People & Pets," in its first full year of operation near our Animal Shelter. We entered into sheltering agreements with the County and several smaller cities in this area for better animal control. Over 60 safety programs for animals and humans were conducted.
- ▶ Fayetteville citizens have responded overwhelmingly to our recycling efforts. Residential recycling continues to be popular, joined this year by residents of apartments. Two new programs especially for commercial customers went into service this year, including curbside commercial pickup in selected areas and commercial white ledger paper program throughout the city.
- ▶ Last year, our airport at Drake Field again saw an increase, with over 500,000 passengers served, up almost 10%. A Precision landing system for approaching aircraft was completed, with a snowplow & ramp sweeper added for greater service to passengers. Our airport terminal is open 24 hours a day to accommodate 45 commercial flights from early morning through late night.
- ▶ I often receive positive comments from our citizens about Fayetteville Government Channel 3 on the cable system. The Government Channel has increased its broadcasting from 29 hours a week to 42 per week with more new programs. Over 200 informational programs and live meetings were produced this year, up from 146 the year before.

February 17, 1998

- ▶ A program which we can all be especially proud of is our Free Health and Dental Clinic. After a disastrous flood in 1996, this past year saw the rebuilding and renovation of the Old Courthouse Annex where the Free Clinic can continue to help those who so desperately need its services.
- ▶ It's always nice when others commend our efforts. During 1997 we received various awards, including our second Tree City USA Award and EPA Award for Environmental Excellence.

< HOW DO WE INTEND TO GO FORWARD? >

- ▶ Certainly major construction projects will bring about benefits for our citizens as we grow, including road work at the intersection of Township and College, the Sunbridge Street extension, and the Highway 45 area water system improvements. We plan to contract for projects on Sycamore, Poplar, and the intersection of Zion and Old Missouri Road, and we will be installing traffic signals at Highway 265, Zion Road, Joyce Street and Old Missouri Road very soon.
- ▶ An additional fire station will be located near Sixth & Hollywood Street, and Station #4, which has been outgrown, will be relocated to better serve our citizens and keep them safe. Our police will be among the best-trained in the state and our DARE program, or Drug Abuse Resistance Education, will reach more and more fifth graders to help them make positive choices.
- ▶ We will cooperate with other agencies such as the Arkansas Highway & Transportation Department as we acquire right-of-way for Highway 265, construct the Mud Creek bridge, and plan for the Highway 16 West cost-share project.
- ▶ We will complete construction of streets, sidewalks and storm drainage improvements for a neighborhood in the Southeast Target area. Ten homes will be acquired and rehabilitated for sale to our low and moderate income

February 17, 1998

neighbors. We will provide moderate rehabilitation of substandard housing for a dozen low and moderate income home owners, with emergency repairs to be provided for 15 low and moderate income home owners city-wide.

- ▶ Plans will be developed for the expansion of the Garland Street Head Start and Project for Victims of Family Violence Shelter facilities also located on Garland St.
- ▶ We will implement the recently approved curbside bin recycling program, and consolidate our remaining public works operations to our Happy Hollow Road facility area in order to provide more streamlined service to customers. We will complete the City's first Unified Development Ordinance as we look toward the future.
- ▶ We will also maintain and improve our remarkable quality of life with a full-time superintendent for our Parks & Recreation program, renovation and construction of better facilities for sheltering our animals, progress toward a new Senior Center and of course a Town Center as we work together to preserve Fayetteville's past and keep our faith in the future of the City we love. With everyone pulling together, we will certainly have a great 1998!

NOMINATING COMMITTEE REPORT

Alderman Daniel explained that the Housing Authority Board of Commissioners elects their members. Their choice is confirmed by the Council.

Alderman Pettus moved to nominate Christine Childress. Alderman Trumbo seconded. Upon roll call the motion carried on a vote of 6 to 0.

Alderman Daniel reported the Nominating Committee met in a special meeting open to all the aldermen to select an interim city clerk.

Alderman Daniel nominated Heather Woodruff. Alderman Williams seconded.

071

February 17, 1998

Alderman Zurcher moved to go to executive session to discuss this.

Alderman Williams stated six alderman had interviewed the four candidates. A vote was made in open session and Ms. Woodruff was nominated and received all the votes with no dissents at that point in time. He did not see a purpose for executive session.

Alderman Zurcher stated he'd missed the meeting and Len Schaper was out of town. He stated the most qualified candidate and the person who has been doing the job unaided for the last few weeks and already knows the job has been overlooked. He stated he would like to table it or he would be voting no.

Alderman Williams did not see what would be served by tabling it at this point. It was a difficult decision and he would hate to elongate it. He informed the Council that Alderman Miller, who was absent do to illness, had informed the Mayor's office he would like the vote delayed.

Alderman Zurcher stated if this was tabled, it would give him and Alderman Schaper an opportunity to interview the candidates.

Alderman Trumbo stated that when there was a spot open for the Parks Board and he was out of town he requested an opportunity to interview the individuals. In light of that, he was in favor waiting two weeks because two aldermen have requested more time.

Alderman Pettus did not think this would be fair. She stated the Nominating Committee has spoken. There are many times the Council takes action without aldermen being present. We need to stick by the nomination.

Alderman Daniel stated Alderman Miller was at the special meeting.

Alderman Zurcher moved to table the nomination. Alderman Trumbo seconded. Upon roll call, the motion failed on a vote of 3 to 3, with Aldermen Daniel, Pettus, and Williams voting no.

February 17, 1998

Upon roll call, the motion to nominate Woodruff carried on a vote of 5 to 1, with Alderman Zurcher voting no.

CONSENT AGENDA

Alderman Williams introduced consideration of items which may be approved by motion or contracts and leases which can be approved by resolution and which may be grouped together and approved simultaneously under a consent agenda:

- A. Minutes of the February 3 regular City Council meeting;
- B. A resolution approving a budget adjustment which will allow for the roll forward of all projects or items in progress which were appropriated in the 1997 budget;

RESOLUTION 20-98 AS RECORDED IN THE CITY CLERK'S OFFICE.

- C. Bid 97-73. Removed from consent agenda. See first item under new business.
- D. A resolution accepting the lowest qualified bidder for Item 1, Bid 98-1, Ron Blackwell Ford, Bentonville, replacement unit for traffic sign maintenance vehicle;

RESOLUTION 21-98 AS RECORDED IN THE CITY CLERK'S OFFICE.

- E. A resolution approving a contract with Milholland Engineering Company in the not-to-exceed amount of \$38,000 for the design and construction observation of drainage improvements in the Boardwalk Subdivision along Ridgely and Manor Drives;

RESOLUTION 22-98 AS RECORDED IN THE CITY CLERK'S OFFICE.

- F. A resolution approving amendment 3 to the engineering agreement with Development Consultants, L.L.C., for the design of the Mud Creek Bridge replacement;

RESOLUTION 23-98 AS RECORDED IN THE CITY CLERK'S OFFICE.

Alderman Young moved to approve the consent agenda.
Alderman Pettus seconded. Upon roll call, the motion carried on a vote of 6 to 0.

073

February 17, 1998

OLD BUSINESS

REZONING RZ97-22.10 & RZ97-23.10

Alderman Williams introduced an ordinance rezoning 5.61 acres located on the north side of Wedington Drive west of Ruppel Road from A-1, Agricultural, to R-O, Residential-Office, as requested by Lew Steenken on behalf of Shahryar Khajehnajafi. This item was left on first reading at the February 3 meeting.

City Attorney Rose read the ordinance for the second time.

Alderman Williams stated the next item on the agenda is a companion rezoning. It was decided to hear both of them at the same time.

City Attorney Rose read RZ97-23.10 for the second time.

Alderman Williams stated this was recommended by staff and approved by the Planning Commission.

Alett Little, Planning Director, explained how this is not another commercial strip center. The R-O zone is the closest thing we have to a mixed use zone. It allows everything from homes, offices, and some types of professional sales. With this type of rezoning on Wedington, we have the opportunity to look at everything under large scale. The Planning Commission has been doing a good job of limiting the amount of curbcuts and types and number of signs. This will not create the same type of strip that we have been cautious not to create in this area.

There were no comments from the audience.

Rose explained it would take six votes to move it on to the third and final reading and five votes to pass it.

Alderman Young stated he was probably going to vote against these rezonings but would rather hold them over because we need more people here.

RZ97-22.10 and RZ97-23.10 were left on second reading.

February 17, 1998

REZONING RZ98-2

Alderman Williams introduced an ordinance rezoning 5.20 acres located north of Wedington Drive west of Salem Road from R-2, Medium Density Residential, to R-O, Residential-Office, requested by Kurt Jones on behalf of Sam Rogers. This was left on first reading at the February 3 meeting.

City Attorney Rose read the ordinance for the second time.

Alett Little, Planning Director, stated this is a revised request. They originally requested 9.9 acres, all of it C-2. The difference will be left zoned R-2. This is adjacent to Salem Road. The Planning Commission made a condition that there be only one additional curbcut to Wedington Drive and one to Salem. This was a 6-2-0 vote by the Planning Commission.

Kurt Jones, representing Sam Rogers, asked how many votes it would take to pass this.

Alderman Williams explained it would take five votes to pass it but six votes to move it to the third reading.

- Alderman Zurcher pointed out that Alderman Young would be abstaining.

City Attorney Rose stated the abstention would go with the majority.

Alderman Zurcher asked about the project.

Mr. Jones stated the owner has filed a lot split for approximately an acre and a half on the corner of Salem and Wedington. He is planning to sell that property to a bank. There were no plans for the rest of the land.

Alderman Zurcher asked if the lot split would affect curbcuts.

Little stated it is at the time of lot split that issues of curbcuts and signage get decided. The request for lot split is being processed now. Having two businesses or residences

February 17, 1998

would not affect the curbcuts. The Planning Commission has said one curbcut to Wedington and one curbcut to Salem. She stated the plan she has seen and worked on with the potential developer honors that. It included the lot split.

There were no comments from the audience.

RZ98-2 was left on second reading.

NEW BUSINESS

BID 97-73

A resolution accepting the lowest qualified bidder for Item 1, Bid 97-73, Barton Freightliner, Inc., North Little Rock, for HD cab/chassis with mounted compartmentalized recycling body, six units for a total bid award of \$619,044.

Alderman Trumbo stated the Equipment Committee met and looked at the process that was used to select what type of vehicle the City would like for the new recycling program. There was extensive study of equipment used in other cities. The Equipment Committee feels very comfortable with the amount of hours and the homework that Cheryl Zotti and her committee spent to find the most cost efficient vehicle.

Alderman Williams explained the blue bag program cannot be continued because the company that does our pick line is going to stop that. After a lot of study, it has been recommended that we go to a curbside sorting system, which requires these new vehicles.

Kevin Crosson, Public Works Director, stated the lowest qualified bidder meeting the specifications is being recommended.

There were no comments from the audience.

Alderman Young moved the resolution. Alderman Daniel seconded. Upon roll call, the motion carried on a vote of 6 to 0.

RESOLUTION 24-98 AS RECORDED IN THE CITY CLERK'S OFFICE.

February 17, 1998

VA98-1.00

Alderman Williams introduced an ordinance vacating a utility easement as requested by Arkansas Book Service for property located north of Point West Drive and west of Shiloh Drive. The requested vacation is to abandon an existing sanitary sewer and 25' easement which will be replaced in the construction of the new building.

Alett Little, Planning Director, stated there is a sewer line in this easement that runs diagonally across the lot that the applicant wants to develop. This sewer line serves the existing building and will have to serve the new building. They will first reconstruct the sewer, so it will be connected, and this line and easement may be vacated. That is the request.

City Attorney Rose read the ordinance for the first time.

There were no comments from the public.

Alderman Young moved to suspend the rules and go to the second reading. Alderman Pettus seconded. Upon roll call, the motion carried on a vote of 6 to 0.

City Attorney Rose read the ordinance for the second time.

Alderman Zurcher asked if this would fall in the bypass overlay.

Little replied this is one of the subdivisions that was exempt at the time of the original ordinance. It is a large building but is well designed. The elevations are in the planning office.

Alderman Trumbo moved to suspend the rules and go to the third and final reading. Alderman Pettus seconded. Upon roll call, the motion carried on a vote of 6 to 0.

City Attorney Rose read the ordinance for the third time.

Alderman Williams called for the vote.

February 17, 1998

Upon roll call, the ordinance passed on a vote of 6 to 0.

ORDINANCE 4079 AS RECORDED IN THE CITY CLERK'S OFFICE.

ANNEXATION RZA 98-4.00 & REZONING RZ 98-5.00

Alderman Williams introduced an ordinance approving annexation request RZA 98-4.00 submitted by Michele Harrington, attorney, on behalf of Prestige Properties for property located north of Mt. Comfort Road and east of Hugh Mount Road. The property contains 200 acres.

City Attorney Rose read the ordinance for the first time.

Alderman Williams stated the next item relates to this. It is a rezoning request from A-1, Agricultural, to R-1, Low Density Residential. It was decided to talk about the two items at the same time.

City Attorney Rose read RZ98-5.00 for the first time.

Michele Harrington, attorney for the petitioner, passed out maps and overlays showing how this property ties in with adjacent property, topographical features, and master street plan.

Alderman Trumbo asked about the status of the legalities of having the developers pay the City back for street improvements.

Ms. Harrington replied that was discussed at the agenda session. City Attorney Rose had indicated that he would begin working on that when the Council requests him to. The developer will do that on the school's portion. At this point in time, he is the sole developer of the project. This can't be worked out until it passes annexation and rezoning.

Alderman Trumbo asked what the Planning Commission's view is on who should bear the cost of acquiring easement to the road to go north 700' to the school property.

Alett Little, Planning Director, stated the school is a

February 17, 1998

developer as the developer is a developer. The school, at the time they bring the lot split, will be assessed off-site improvements. The developer has offered to pay for the school's share of costs. It has not been fully discussed at Planning Commission. The acquisitions of right of way have not been discussed. There is a small piece in the county that involves two property owners. The City and School District have powers of eminent domain.

Alderman Williams stated there was a representative from the church present at the Street Committee meeting. The church building is not actually in the cemetery land. There was some question about whether or not they would have to be taking some of their land for this road.

Tim Reynolds, developer, stated there would be a 40' section of property taken when the road goes through, if the full 90' is acquired. There is about a half acre of property below the current easement that would be affected and the church joins that. This has been discussed with the minister and some of the congregation. The cemetery is just north. An arrangement is being worked out for a 40' portion.

- Roy Karr, Fayetteville Public Schools, stated plans are to open the middle school in January of 2000. Site development will start this summer. The school board has decided on 20 acres of the highest ground in that area. It will allow use of the same plan in each middle school. Eight sites were looked at. This site offers the best choice economically.

Wilson Kimbrough, Mt. Comfort Road, reported there are a lot of people concerned about this. He stated he will study sewage needs and the traffic situation between now and when this is voted on. He asked the Council to study these issues, too. He asked for a calculation of the traffic increase to Mt. Comfort Road. He stated he will also study the business about taxpayers paying for a street to go into a subdivision, since he is generally opposed to that.

Terri Mullen, Meadowlark Drive, stated the traffic would not all come down Mt. Comfort Road. This is the type of positive growth we need to look at in Fayetteville.

February 17, 1998

Bill Ackerman, Chairman of the Parks & Recreation Advisory Board, stated this is a long-term development project, taking between six and ten years to be done. That gives our community opportunity to dictate how these things come about. The developer has shown a willingness to work closely and cooperate with the City. This is a prime example of planned development. The Board has been looking for land in this quadrant for some months. If this project comes forward, 44 acres would come to us as greenspace. The money saved in acquiring land could be used to develop this park. It could be developed into a multi-use facility serving the community and adjacent school. Traffic will have to be addressed regardless of what happens on this tract of land. The same thing is true for the sewage problem.

Mr. Ackerman described the land and how easily it would lend itself to being developed as a multi-use park. We could use a 10' or 12' wide, hard surfaced trail for the physically handicapped, walkers, joggers, bikers, skateboarders, etc. It would not interfere with vegetation. An extended engineering study would be done in the development phase.

Reed Greenwood, School Board member, encouraged the Council to support this and to expedite it if at all possible. He explained the need for two new middle schools. This is a reasonable proposal. The school district would have to partner the City to make it work, but it is a win/win situation for everybody.

A resident of Double Springs Road stated the road situation is dangerous now and adding a lot of new traffic will create a bottleneck. It would make sense to address the road situation now. Also, It does not make sense to put many more houses on a sewer system that is already overloaded.

Alderman Pettus stated the Street Committee had asked for a traffic count on Mt. Comfort Road.

Charles Venable, Assistant to the Public Works Director, replied this would be done this week.

Alderman Pettus stated there was a suggestion made at the

February 17, 1998

Planning Commission that the school should be north of Serenity Way instead of south of it. She asked about plans to extend Serenity Way.

Venable stated this would be addressed at large scale development.

Little stated it is a requirement at the time of development.

Alderman Young stated 200 acres would provide for an awful lot of houses. He asked what the capacity of the existing sewer plant is.

Kevin Crosson, Public Works Director, replied the sewer system has capacity for normal growth until the expansion of the plant occurs. There would be reason for concern regarding future development if we are not able to expand. There is no capacity figure. The design capacity was 17 million gallons per day. The permit is run on a loading basis. We are able to treat beyond the hydraulic loading of the plant because of our treatment process. As long as there is a plan and we keep DPC informed of the progress of the plan and something doesn't block us, we will be able to proceed.

Alderman Daniel asked how many pump stations will be needed for this development.

Crosson anticipated needing one pump station for the school and subdivision.

Alderman Zurcher stated the City would be doing itself a favor if it developed permanent or semi-permanent urban growth boundaries.

Alderman Williams stated he would like to see this go on to the second reading so at the next meeting, when there would be a full Council, people could expect a decision to be made. This way, all those involved would not have to come to three meetings to state the same things.

Alderman Pettus stated the figures needed may not be

February 17, 1998

available at the next meeting and the decision would have to be made without them, if this was on third reading. She stated the main issues are sewer treatment and traffic figures.

Michele Harrington invited the Council to tour the property before the next meeting. She reiterated this development will not spring up overnight. The residential part will go in over a ten-year period.

Mr. Kimbrough disagreed with moving this through at the next meeting. It takes a while for citizens to become aware of the implications of anything this big and to make decisions. It should not be rushed through.

Alderman Williams asked City Attorney Rose to meet with attorney Michele Harrington.

City Attorney Rose responded there is no way to do that at this point in time. Until we go through the large scale process, we don't know how much road is being discussed; we don't know what it will entail; we don't know how many bridges; we don't know what the relationships are. Until we go through the process, there is no point in trying to work out something.

Alderman Williams stated that on the recent annexation to the east, a bill of assurance was offered to the Council. He hoped the City could be protected if we go through with this particular agreement. The developer has offered to pay the school's share and their share of the cost of the road. He asked how this is different from what the developer offered on the eastern annexation and rezoning.

Rose replied it will have to come back to the Council for a number of decisions. He does not yet know the length of the road or what requirements will be placed on the road by the Planning Commission. Until that is done, he would not know what he can guarantee for the City. He stated the Council is ahead of the process and is trying to provide something that is the purview of the Planning Commission and large scale development.

February 17, 1998

Alderman Williams stated we seemed to enter into an agreement with the developer on the annexation to the east for him to pay the cost to extend Township Road.

Rose stated he wants to give the Council whatever it is they want. He asked what they want from the developers.

Alderman Williams replied the Council wants the offer made by the developer to be binding.

Little stated this is not quite the same situation as the annexation to the east. The developer to the east offered to pay for the road extension. This developer has offered to pay another developer's share and to pay the City back over time. It has to be related to the number of lots developed, and we don't know that number now.

Rose stated the Council can deny the developer PUD or LSD approval if agreement is not reached. He did not think the annexation and rezoning could be done contingent on something that has not occurred, which is LSD approval.

Alderman Pettus asked if there were any way this could go through large scale development and the street deal not happen.

Little stated there is no way it will go through PUD or the subdivision process without the access issues being decided by the Planning Commission. The business about the repayment of the construction of the street is different. We don't normally do that. It is normally a developer cost. That would require Council approval. It may not be proper for the Planning Commission to be involved in that.

Alderman Williams stated he just wants, before voting on the annexation and rezoning, protection or an enforceable agreement similar to what we got for the 80 acres to the east.

Michele Harrington stated that at the appropriate time, Mr. Reynolds, the developer, would make a specific written statement of what he is proposing. The information needed is available but has not been put together.

February 17, 1998

Rose stated the Council would be committing the Planning Commission to a planned unit development and a procedure prior to them having looked at it. The Council may have that power but it is unusual. He stated he would work with Ms. Harrington and have something by the next meeting that will nail down for sure what the developer is willing and proposing to do.

Ms. Harrington stated it will be voluntary and the developer will stand by what he proposes.

The annexation and rezoning were left on first reading.

ANNOUNCEMENTS

Alderman Daniel announced a Nominating Committee meeting.

Alderman Williams reminded the Council of a joint meeting with the Election Commission regarding ward boundaries.

ADJOURNMENT

The meeting adjourned at 8:20 p.m.