# A MEETING OF THE FAYETTEVILLE CITY COUNCIL

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

**PRESENT:** **Mayor Fred Hanna; Trent Trumbo, Donna Pettus, Stephen Miller, Kit Williams, Len Schaper, Heather Daniel, Cyrus Young, and Randy Zurcher; City Attorney Jerry Rose; City Clerk/Treasurer Heather Woodruff; staff; press; and audience.**

**ABSENT:** **None**

Mayor Hanna called the meeting to order with eight aldermen present.

NOMINATING COMMITTEE REPORT

**Alderman Daniel moved to nominate to the Advertising and Promotion Commission, Alex Jerde; Civil Service, John Middleton; Historic Commission, Alan Ostner, Terrell Rohrbach, Mark Corley, Suzie Stephens; Construction Board, James Key; Library, Michael Thomas; Parks & Recreation, Gail Eads; Planning Commission, John Forney, Conrad Odom, Sharon Hoover. Alderman Zurcher seconded. Upon roll call, the motion carried on a vote of 8 to 0.**

CONSENT AGENDA

Mayor Hanna 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 March 3 regular City Council meeting;

B. Bid 98-06: Resolution authorizing the water line extension for Salem Road. Request for additional funding and to combine project with No. 95039 into 97021 (cost share). Request for approval of a construction contract with Fayette Tree and Trench in the amount of $56,395. Request for approval of a project contingency of $20,000.

**RESOLUTION 30-98 AS RECORDED IN THE CITY CLERK'S OFFICE.**

C. Wedington Water & Sewer Relocation: Resolution approving change order #3 and Final to the contract with Edwards Design & Construction, Inc. Amendment #2 to the engineering contract with C.E.I. Consulting Engineers. Related Budget Adjustment $30,000 for any project expenses. All referenced to Wedington Water and Sewer relocation project.

**RESOLUTION 31-98 AS RECORDED IN THE CITY CLERK'S OFFICE.**

**Alderman Daniel moved the consent agenda. Alderman Williams seconded. Upon roll call, the motion carried on a vote of 8 to 0.**

## OLD BUSINESS

RZA98-4.00 & RZ98-5.00

Mayor Hanna introduced ordinances approving annexation request RZA98-4.00 and rezoning request RZ98-5.00 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. Item was left on the second reading at the March 3, 1998, meeting.

**Alderman Trumbo moved to suspend the rules and go to the third and final reading. Alderman Miller seconded. Upon roll call, the motion carried on a vote of 8 to 0.**

City Attorney Rose made certain the motion was for both ordinances.

**City Attorney Rose read RZA98-4.00 for the third time.**

**City Attorney Rose read RZ98-5.00 for the third time.**

Alderman Daniel stated she has received a number of letters and a lot of calls. Just one or two opposed this project.

Alderman Williams stated this project makes a lot of sense. It will be a nice park that the City needs in that part of town. It is a beautiful site for a school.

Alderman Trumbo stated that, in a complicated issue like this and as an elected representative, he first looks to the Planning staff's recommendation, then at the Planning Commission's recommendation, then at the Park's recommendation. He stated a majority of these governing bodies are in favor of this annexation and rezoning.

Alderman Schaper stated if this were a simple annexation and rezoning, the Council would turn it down because of problems with the capacity of our current sewage treatment plant and the uncertainty as to whether or not we will be able to build another plant or will have to expand the one we have. It would be turned down because we already have numerous subdivisions approved up and down Salem Road and there is no clear need for additional land. It would be turned down because of the fragility of the infrastructure in that area. This has been complicated by the fact that there is a substantial amount of land going to Parks and the School Board has determined this is an attractive site for a middle school and are under pressure to get that school built. The school is what most of the calls he has received have been about.

Alderman Schaper pointed out this would be the first time a major public facility is located west of the bypass. Most of the kids attending this school will live east of the bypass and be bused out to the far northwest corner of town. He stated the traffic is not his concern. His concern is the long-term impact of a major public facility and the development pressure that the location will have. As a result of the development that will occur, there will be a need for substantial improvements to the infrastructure out there. The cost of providing this will fall on the taxpayers.

Alderman Schaper stated one of the goals of the 2020 Plan is to maximize development in areas which have existing infrastructure and to minimize the pressure to create new infrastructure at public expense. The 2020 Plan says there are already several thousand acres of potential residential development. Some of these are in areas developers aren't excited about developing. Instead, it is cheaper for them to develop at the fringes where some of the cost of their development gets borne by the taxpayer. That is the situation faced by the Council. The developer has sweetened the deal with the help of the School Board.

Alderman Schaper stated he did not expect to convince anyone, in this election year, to go against the wishes of the School Board. He felt it necessary to point out the long-term ramifications of continually allowing intense development at the fringes of our city. This will create a lot of development in an area of town with very fragile infrastructure, the least well-connected area of town. Mt. Comfort is a City street. We will bear the entire cost of widening it and its connecting streets.

Alderman Trumbo responded that the fact this is an election year does not affect his decision. He stated his theory is that Dr. New runs schools for a living and the School Board manages schools. They say where the most appropriate place for a school is. The City's job is to provide the infrastructure for the schools.

Alderman Pettus stated there is no one on the Council who is not dealing with long-term issues. This is a wonderful location for the school. The city will grow whether we want it to or not. The Council has to plan for that growth. We can solve our infrastructure problems.

Alderman Miller reiterated his support for this. He agreed with Alderman Schaper's remarks regarding the infrastructure, but this looks to the future and getting a good park out there. Anything built will strain water and sewer.

Alderman Zurcher stood with Alderman Schaper on this. He stated he is not against middle schools. He is for park land on the west side. He reminded the Council this would not even have come before them if this had been within city limits. The reason the Council has to talk about School Board business is because the School Board wants land that is not in city limits. There will be a lot more development in that part of town because of the school going in. This will encourage sprawl. He noted voters turned down an annexation less than a year ago on this side of town.

Alderman Young stated if something came before the Council he thought was wrong for the city, he would vote against it, even if the majority was in favor of it. Lacking information to make that vote, he must represent the majority view of Ward 2. He is concerned that if the guesses about the sewer plant are wrong, we would be in a bad way. He hoped the School Board will assume responsibility for their actions, if the guesses are wrong.

Alderman Williams responded to Alderman Schaper's remarks. Regarding annexations, he stated the Council recently approved an 80-acre annexation on the east side of town. A couple of months before that, an even larger annexation was approved on the east side. He agreed it is incumbent on the Council to be careful about annexations because of the sewer plant problem. However, in 20 or 30 years, this site will have a school, a trail from the school to a city park, and a park connected through greenspace to other city parks. This will eventually develop into one of the nicest places to live in Fayetteville. When you look at the 2010 Plan and 2020 Plan, the village concept was encourage. He hoped there would be some supporting neighborhood commercial in this area.

Alderman Williams stated he understands the developer has agreed to pay the cost of the 28' road all the way to 100' north of Serenity Place, over time. This is more than what a developer would normally have to pay. A lot of this road does not border the developer's property.

Alderman Daniel agreed there will be traffic problems and hopes the City can convince the State Highway Department to widen Wedington past Rupple Road. It makes sense to improve Rupple up to Mt. Comfort, as there will be traffic to schools that way. She stated growth seems balanced between the two halves of Fayetteville. She suggested revisiting the 2020 Plan.

Mayor Hanna stated he has confidence in the School Board. They have done a good job. There is no sense in putting schools in the center of town and busing kids from the west, as we are doing now. Existing schools also have traffic problems.

Reed Greenwood, School Board member, stated the Board has been working on this about a year and a half. There are many issues to be dealt with. He is much concerned about long-term issues. Several years ago, the school district added to the existing elementary schools to preserve their characters and to make neighborhood elementary schools possible. We are now beyond what we can do with those facilities. The junior highs are bursting at the seams and we need these middle schools. He stated the School Board feels their responsibility very deeply. They have been through six sites and are aware of all the issues. This is the best deal for the school district.

Wilson Kimbrough, Mt. Comfort Road, stated he has not heard much about people; it has all been about business. He has been talking to people in this area. He stated the reason others aren't present is because they know the vote has already taken place in a secret meeting. They are not here because they know they wouldn't be heard and that he had been laughed at at the previous meeting. He stated careful attention has not been given to the feelings of the people this decision impacts.

Alderman Pettus stated there has not been a secret meeting.

Mr. Kimbrough stated he did not know about the meeting the Council had in order to see this acreage.

Alderman Williams informed Mr. Kimbrough the meeting had been included on the weekly meetings list and members of the press had been there. It was a normal Council tour.

Mr. Kimbrough stated his main point is that people who are deeply concerned about the traffic situation did not show up.

Jeff Erf, 2711 Woodcliff Road, asked if it is reasonable to assume that the residential development in this part of the city will be subsidized by the City for police and fire protection and trash.

Alderman Williams replied this would be no more than anywhere else in the city. In this case, the City is requiring the developer to build more roads than a regular developer would have to do.

Laura Underwood, Fayetteville Board of Education, stated elected officials have to make difficult decisions based on facts. When the City experts and the School Board say yes to this, the facts speak for themselves. The benefits are all people oriented. There are traffic problems out there now. The City will come up with a plan. Growth will not stop. Any development will impact the sewer.

A teacher from the audience stated this is a quality of life issue. A child's education affects quality of life later on.

Our ability to provide a quality education depends on how well we use our resources. She gave examples of ways the money saved by going ahead with the middle school project in this manner could be spent on quality education. She stated the City has met infrastructure needs in the past and this is following that course. In one sense, development helps develop infrastructure.

Alderman Zurcher stated lateral growth that sprawls into the county is not the same as economic growth or the same as getting more people here. There is a way to grow economically and with more people without growing in a sprawling fashion. He stated he has not voted for any annexation except one that was already surrounded by city.

Mayor Hanna called for the vote on RZA98-4.00, the annexation.

**Upon roll call, the ordinance passed on a vote of 6 to 2, with Aldermen Schaper and Zurcher voting no.**

**ORDINANCE 4085 AS RECORDED IN THE CITY CLERK'S OFFICE.**

Mayor Hanna called for the vote on RZ98-5.00, the rezoning.

**Upon roll call, the ordinance passed on a vote of 6 to 2, with Aldermen Schaper and Zurcher voting no.**

**ORDINANCE 4086 AS RECORDED IN THE CITY CLERK'S OFFICE.**

City Attorney Rose stated Prestige Properties has presented an agreement which is their offer of what they intend to do to Rupple Road. He recommended passing a resolution to adopt the agreement.

Alderman Young stated this was not made part of the agenda packet.

Michele Harrington, representing Prestige Properties, reminded the Council that at the agenda session, the possibility of such an agreement was brought up. She stated they have worked with City Attorney Rose and City staff and worked out an agreement so the Council would have certainty about the contribution being made.

Alderman Young stated he'd just received it that day and, not having had time to read it, would vote against it at this time.

City Attorney Rose explained this came about because Alderman Williams asked for an agreement in which these promises made by Prestige properties are ensured and if the promises are not kept that this issue will be revisited. What is before the Council is a voluntary assertion on behalf of Prestige Properties on what they intend to do on the Rupple Road development.

Alderman Williams added that not only has staff worked on this, but he has, too. The City is trying to get as good a deal as possible and still be fair to the developer. The developer offered to take the school's portion of the development, and staff felt that the City needed the full cost of the road from Mt. Comfort to 100' north of where it would intersect Serenity Way, which would be paid as the project developed. The school needs that road in place when the school is finished, and we needed to go forward on this. The costs have been looked at. The proposed agreement includes, on the first part of the road, a commitment to spend $140,000 as their cost. It includes the remainder of the cost above that, the developer's normal cost of the bridge plus other costs of the 28' road to their northern border. The developer would have to pay the costs as they present the phases of the development to the Planning Commission. There are four phases.

Alderman Schaper asked why No. 7 says Prestige agrees to convey a minimum of 30 acres to be annexed by the City as park land. He thought it was to be 44 acres.

Ms. Harrington replied 30 acres was suggested to cover the minimum. They don't have an analysis on this yet. She stated there is a lien that goes with this. If the City doesn't want the developer to put his obligations on paper, he would be happy not to; but the City asked for something in writing, including a lien that the developer has no choice but to discharge. She stated copies of the agreement were distributed as soon as the final numbers were available. They were put in the aldermen's boxes at one or two o'clock that afternoon. This has been talked about at several meetings. It was done in an effort to please the City and obligates the developer far above and beyond what most developers would ever agree to.

**Alderman Zurcher moved a resolution that in effect says we accept this agreement with an amendment on No. 7 changing 30 acres to a minimum of 40 acres. Alderman Miller seconded.**

Alderman Young asked over what period of time would the developer reimburse the City.

Alderman Williams replied the developer has to pay back 25% for each phase they present. There is a 12-year time limit.

**Upon roll call, the resolution with one amendment passed on a vote of 7 to 1, with Alderman Young voting no.**

**RESOLUTION 32-98 AS RECORDED IN THE CITY CLERK'S OFFICE.**

VOLUME BASED GARBAGE COLLECTION

Mayor Hanna introduced an ordinance approving a change to our garbage collection program and approving a budget adjustment.

**Alderman Miller moved to suspend the rules and go to the second reading. Alderman Trumbo seconded. Upon roll call, the motion carried on a vote of 8 to 0.**

**City Attorney Rose read the ordinance for the second time.**

Alderman Williams reminded the Council he had presented a proposal that would not require the bag situation. He noted Alderman Zurcher had another proposal that does not require the bag system. He stated it would be a mistake to go forward and pass anything at this time. It deserves more study. Our citizens deserve direct notification. He would like to see a notice go out to all customers in their water bill with a brief synopsis of what is being proposed.

Robert Hunter, State Recycling Coordinator and Education Specialist from the DPC&E, addressed the issue of pay as you throw. He reviewed some information he had provided the Council from Resource Recycling, a magazine DPC&E relies on for figures and general information. Pay as you throw is an equitable way for people to learn to manage their solid waste. He encouraged the City to continue to look at pay as you throw. The issue is how to figure a rate for this program to be successful. His department has been working with the City on options available across the United States. The Environmental Protection Agency has put together a kit for a community to look at the issues.

Mr. Hunter stated Fayetteville needs to look at what is fair for the citizen. We need to look at what kind of monies are in place. Some systems are costly to start. The staff's proposal will take some money. It is an encouragement to give bags out the first year. It is like an education program. It will take time to encourage and educate citizens. Staff is looking at an 8 to 9 month period before this is kicked off. A two-hour workshop program for citizens is available.

Alderman Schaper stated the differences we are seeing in the counter-proposals have to do with how we meter the volume. The alternatives are a can-based system or tag-based system. He asked Mr. Hunter what works.

Mr. Hunter replied he thought the City would see a larger percentage go with the fixed container or bag. It is difficult to ask busy sanitation people to decide what size the bag is. The bag is a simple way to do it.

Alderman Zurcher stated a bag system needs to be equitable for everybody. A lot of the discussion at the Environmental Concerns Committee centered around this. He is concerned a base price will not be equitable. We have not settled on some sort of a rebate for people who have bags left over. He would like a way to pay only when you throw it out. We have not had enough input about this from citizens.

Mr. Hunter had no knowledge of an existing return system.

Mayor Hanna thought it might be wise for the Environmental Concerns Committee to have a public hearing on this issue.

Alderman Williams thought every household in town ought to be notified through their water bill about what the proposal is. A two-hour education presentation is too long for the average citizen. We need to listen to our citizens on this and make sure they don't think we are dictating to them.

Alderman Miller stated there have been three meetings and a public hearing. It has been in the press for months.

Mr. Hunter stated the two-hour workshop has been very successful across the state.

Alderman Williams thought the workshop would not reach a large number of the people. We need a brief synopsis of what is being proposed so the public can respond with input of their own.

Alderman Schaper agreed we need more public education, but the number of citizens we hear from on any issue is small. We need to listen to experts in the field.

Mr. Hunter stated there are fact sheets, newsletters, and press releases provided in the material that can be copied and handed out.

Steven Parker, Four-County Solid Waste Management District, stated the District fully supports and backs volume based collection systems. He asked why garbage should be any different from water charges. Volume based collection gives people the opportunity to determine how much waste they want to throw away and how much they are willing to pay for that. In order to make this system work, you need to reward those people who produce the least amount of waste with lower rates and charge higher rates to those who generate the most waste. There are many ways to implement this. This is the trend in the United States.

Dan Coody, audience member, questioned the method. He asked why we want to change the system we have now. He read from Ordinance 3993, which gives rates for two cans not exceeding 32 gallons each. He suggested enforcing the ordinance on the books. If a citizen produces more than two cans of trash, he can buy the required bags for the excess. The easiest thing to do is to modify what is on the books already, rather than start over on something else.

Kevin Crosson, Public Works Director, stated over the years attempts to enforce this ordinance have resulted in irate citizens. Also, overstuffed cans lead to lifting injuries for route workers. Bags cannot be overstuffed.

Alderman Young stated it is not always clear how many bags belong to which house.

**Alderman Trumbo moved to table the ordinance to send it back to the Environmental Concerns Committee for further review and more public input. Alderman Daniel seconded.**

A citizen of Fayetteville stated the Council is negating what the Environmental Committee has spent many hours trying to do. She advised the Council to trust their committees and staff. The time for introducing other ideas was two or three months ago. Citizens don't want to join these committees if what they do goes for nothing. She advocated adding the practice of composting to the education material.

Fran Alexander, citizen, stated the discussion is with the Council, not the committee. She gave an overhead presentation showing the three things required for recycling. It needs to be consistent, convenient, and simple. Programs, publicity, and public relations are very important. She compared the good and bad points of bags and cans.

Lonnie Gibson, citizen, stated good government asks citizens what should be done and does not dictate. He is not sure people who want to sell their ideas are experts. He thinks the current system is working but would like to go back to twice-a-week pickup. He stated many people interested in this missed the meetings held before it got to this level.

Alderman Young asked if the purpose of Alderman Trumbo's motion was to send this back to the Environmental Committee for a public hearing.

Alderman Trumbo replied this was one of many other things. There are many good ideas to add to what's been put in place.

Alderman Williams amplified his suggestion to have a mailer included in the water bills. It should be one sheet with equal space given to each idea. He suggested tabling this until the mailer could be sent out and having a public hearing after the mailing was done.

Alderman Miller addressed the idea of a rebate for bags not used. He stated paying $8.50 a month for trash is a real deal. He stated a problem with Alderman Williams' proposal is that a person could throw one bottle in a bin and claim to be recycling then want a third bag picked up free. Also, a person could follow the requirements on a regular basis then a one-time event could cause him to put out more than is allowed. He asked if the extras would be left on the curb or charged for and who would keep track of this. He stated we would not be adding bags, just replacing what people usually buy. The average retail price for 25 heavy gauge bags, which is what we'd be giving, is about $3.50, or $.14 a bag. Two million bags would cost $280,000. Having the City supply the bags would save $17.50 per year per household. Savings in disposal costs brings the total up to $19.75.

Alderman Miller stated every other utility has a minimum. If you don't use that minimum, you still pay for it. We gave the citizens blue bags. We are giving citizens recycling bins. He asked why choke on the garbage bags. This is an integral part of a holistic program.

**Alderman Zurcher moved to table this item. Alderman Trumbo seconded.**

Mayor Hanna confirmed the motion was to send this back to the Environmental Concerns Committee.

**Upon roll call, the motion failed on a vote of 4 to 4.**

This item was left on its second reading.

WARD BOUNDARIES

Mayor Hanna introduced discussion of ward boundaries.

Alderman Miller supported Alderman Schaper's configuration, because it does not drastically affect ward boundaries and makes Ward 1 slightly higher in population but is still within the 10% allowed. Ward 1 is not growing as fast as Ward 3 or Ward 4.

Alderman Williams stated Alderman Schaper's configuration has Ward 1 stretching from the farthest west to the farthest east. He would rather see more compact wards, like his proposal. He noted two precincts were separated compared to only one in his proposal.

Alderman Schaper pointed out that three of the four proposals have Ward 1 going from the east to the west.

Alderman Young compared his proposal to Alderman Schaper's, noting there is not much difference.

Alderman Schaper stated Alderman Williams' proposal radically changes ward boundaries.

Alderman Zurcher discussed his proposal, stating it maintains the character of the wards.

Alderman Schaper acknowledged that Alderman Zurcher's proposal got the numbers a little better than his.

Alderman Schaper suggested that his proposal and Alderman Zurcher's proposal divide up the population best.

**Alderman Zurcher moved Ward Configuration G. Alderman Miller seconded.**

Alderman Schaper thought the process was to narrow it down to two. He suggested a straw poll.

**The motion and second were withdrawn.**

Mayor Hanna called for a show of hands. The results were:

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|---|---|
| Configuration D, Alderman Schaper's | 0 |
| Configuration E, Alderman Williams' | 4 |
| Configuration F, Alderman Young's | 1 |
| Configuration G, Alderman Zurcher's | 3 |

Configuration E, Alderman Williams', and Configuration G, Alderman Zurcher's, were chosen.

This was left for public comments.

RECONSTRUCTION OF ARLINGTON TERRACE

Mayor Hanna introduced a resolution authorizing the execution of a construction contract with Mobley construction for $195,509.16 with a $30,000 contingency and approval of a budget adjustment for $226,000.00. All in connection with the reconstruction of Arlington Terrace in Fayetteville.

Rick McKinney, citizen, stated this is a two block street that has been there since about 1967. It is a mixture of asphalt, shifting concrete, and oozing sub-base. He urged the Council to approve this and get another 30 years out of the street.

Alderman Williams explained this costs so much because it is the steepest street in town.

Fran Alexander, audience member, stated it is not safe to go down the hill. It has been dug up for water and sewer, which is the reason it needs to be put back. She asked for immediate repair.

**Alderman Schaper moved the resolution. Alderman Miller seconded. Upon roll call, the resolution passed on a vote of 7 to 0, with Alderman Zurcher absent for the vote.**

**RESOLUTION 33-98 AS RECORDED IN THE CITY CLERK'S OFFICE.**

GAS BOY FUELING SYSTEM

Mayor Hanna introduced an ordinance providing for a bid waiver to purchase replacement items, parts, supplies, etc., pertaining to the Gas Boy Fueling System currently in use by the City of Fayetteville.

**City Attorney Rose read the ordinance for the first time.**

**Alderman Schaper moved to suspend the rules and go to the second reading. Alderman Miller seconded. Upon roll call, the motion carried on a vote of 7 to 0, with Alderman Zurcher absent for the vote.**

**City Attorney Rose read the ordinance for the second time.**

**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 8 to 0.**

**City Attorney Rose read the ordinance for the third time.**

Alderman Williams asked why the normal requirements for bids need to be waived.

Bill Oestreich, Fleet Maintenance Superintendent, replied this is patterned after Ord. 3586 that applies to our specialized radio equipment and Ord. 3606 that applies to traffic control equipment. There is only one manufacturer. If we go to another, it would require extensive modification and not be economical.

There being no further comments, Mayor Hanna called for the vote.

**Upon roll call, the ordinance carried on a vote of 8 to 0.**

**ORDINANCE 4087 AS RECORDED IN THE CITY CLERK'S OFFICE.**

PROPOSED EXTENSION OF PLAINVIEW AVENUE

Mayor Hanna introduced a resolution approving the proposed project between the City and Lewis Brothers Leasing Company, Inc., wherein Lewis Brothers conveys a one-acre tract of land to the City for a new fire station site and a one-acre site for the extension of Plainview Avenue from the current termination south of Milsap to Longview Street. The City will design and construct the proposed extension of Plainview Avenue, approximately 730'. No exchange of monies between the parties is anticipated on this project.

Mickey Jackson, Fire Chief, explained that the need for this is caused by city growth and its demand on the north fire station, Fire Station No. 4. To meet the need, this fire company operates two fire trucks instead of one, which means using a minimum of four people. They are operating out of a station built in 1964 for a two-man crew operating one truck. There is not enough room for four people. A proposal was made to remodel and expand the station and $150,000 was appropriated. An architect was hired. The architect's estimate, made over two years ago, was about $350,000. This would have been an old building with a new wing and would have the ongoing maintenance problems associated with an old building. At that time, the suggestion was made to appropriate more money to relocate and build a new facility. Approval was given to investigate the idea.

Chief Jackson stated finding a piece of property in that part of town was difficult. This location is good and the street is needed by the community. A final plan for this station and Fire Station No. 6 is being worked on. Projected costs have not been discussed. Bids for Fire Station No. 3 were staggering. The best bid was considerably over $600,000. Alternatives have been looked at, and relocating Fire Station No. 4 is the most practical.

Alderman Williams stated this has been before the Street Committee. The proposed cost of the street is about $140,000 to $150,000. The lot is worth about the same amount of money. The Street Committee voted to recommend this agreement.

**Alderman Miller moved the resolution. Alderman Williams seconded.**

There were no comments from the audience.

**Upon roll call, the resolution passed on a vote of 8 to 0.**

**RESOLUTION 34-98 AS RECORDED IN THE CITY CLERK'S OFFICE.**

RIGHT OF WAY ENCROACHMENT BY HMT

Mayor Hanna introduced a resolution approving an encroachment into the Dickson Street and Rollston Avenue rights of way by the HMT large scale project.

Alderman Pettus asked if the balconies extend beyond a sidewalk into the street.

Greg House, representing HMT, replied the balconies on Rollston are shorter than the distance of the sidewalk. The one on Dickson would be over what is presently The Grill and would not stick out past the depth of the sidewalk and is shorter.

Alderman Young commented that this changes the character of Dickson Street.

Mr. House responded there are other balconies that are part of Dickson Street and are larger and protrude more and have columns that come down into the street right of way.

Alderman Schaper approves of this kind of investment in this area and this kind of density improvement in the downtown area.

Alderman Zurcher noted a local independent paper is against this development. He agreed only the balconies are being discussed at this time and stated he personally likes it and thinks it will be good.

Mr. House pointed out some of the facade on the second story sticks out, too, as do some column pilasters up against the building.

Alett Little, Planning Director, reported the Planning Commission recommended this by a vote of 5-2-1.

**Alderman Schaper moved the resolution.**

There were no comments from the audience.

**Alderman Zurcher seconded. Upon roll call, the resolution passed on a vote of 7 to 1, with Alderman Young voting no.**

**RESOLUTION 35-98 AS RECORDED IN THE CITY CLERK'S OFFICE.**

AMENDMENT TO THE MASTER STREET PLAN

Mayor Hanna introduced a resolution approving an amendment to the Master Street Plan, changing the required right of way for Dickson Street from 70' to 55' for a distance of 250' on the north side of the 200 block of Dickson Street.

Alderman Pettus stated she has significant property on Dickson and would abstain from this issue.

Alett Little, Planning Director, explained this is the portion of Dickson that is right in front of the 200 block. It is a distance of 250' on the north side. Our current Master Street Plan specifies a width of 70' for collector streets. We want to recognize that the Dickson Street area will not be widened for traffic purposes and that it will probably be amended for pedestrian purposes. The request is to reduce the total requirement from 70' to 55'. In conjunction with this, we have placed on the April 13 Planning Commission Agenda a consideration of Dickson Street as a whole. This is a recognition that we want to change the character of Dickson Street. We do not want it to be traffic oriented. We want it to be pedestrian oriented.

**Alderman Miller moved the resolution.**

Greg House, HMT, stated there are a lot of buildings within what the Master Street Plan calls for. It would be onerous to move everything back.

**Alderman Zurcher seconded the resolution. Upon roll call, the resolution carried on a vote of 7-0-1, with Alderman Pettus abstaining.**

**RESOLUTION 36-98 AS RECORDED IN THE CITY CLERK'S OFFICE.**

## OTHER BUSINESS

Rick McKinney, Airport Board, stated that a number of years ago the community was asked to vote on having a voice in the Regional Authority. Later, the Authority presented to the Mayor a non-compete agreement saying the other airports in this vicinity would not compete for airline service. It was later disclosed this is against FAA regulations and is illegal. He referred to American Airline's American Eagle contract with the regional authority. He felt paragraph 3, Airline Service, is close to a non-compete agreement. The City of Fayetteville needs to voice this to the authorities and request that they omit this paragraph.

Mayor Hanna explained this should be presented at agenda session to be put on the agenda.

## ADJOURNMENT

Mayor Hanna adjourned the meeting at 10:00 p.m.