

**MINUTES OF A MEETING
OF THE
FAYETTEVILLE CITY COUNCIL
FEBRUARY 1, 2000**

A meeting of the Fayetteville City Council was held on February 1, 2000 at 6:30 p.m. in Room 326 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

PRESENT: Mayor Hanna; Aldermen Reynolds, Austin, Davis, Trumbo, Daniel, Santos, Young, Russell; City Planner Tim Conklin; Public Works Director Charles Venable; Administrative Services Director John Maguire; City Attorney Jerry Rose; City Clerk Heather Woodruff; Staff; Press, and Audience.

CONSENT AGENDA

APPROVAL OF THE MINUTES: Approval of the minutes of January 14 and January 18, 2000 City Council meetings.

RECORD DESTRUCTION: A resolution authorizing the destruction of records.
RESOLUTION 10-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

ROLLFORWARDS: A resolution approving a budget adjustment which will allow for the rollforward of all projects or items in progress which were appropriated in the 1999 Budget.
*The items which are approved will become a part of the 2000 Budget.
RESOLUTION 11-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

ALLTEL COMMUNICATIONS: A resolution granting a temporary revocable license for the placement of buried fiber optic communication cable in the street and alley rights-of-way.
RESOLUTION 12-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.
14-00 REMOVED FROM CONSENT AGENDA

BAKERY FEEDS: A resolution approving a budget adjustment for the settlement with Bakery Feeds.
RESOLUTION 12-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.
13-00

SETTLEMENT EXPENSES: A resolution to reimburse the plaintiffs in James Harp, ET AL, vs Griffin Industries, Inc. U. S. District Court, Western District of Arkansas, Case No. 99-5075 for settlement expenses in an amount not to exceed \$7,500.00.
RESOLUTION 14-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.
13-00

Alderman Santos moved to approve the Consent Agenda. Alderman Daniel seconded the motion.

Alderman Austin asked to pull item number four off the consent agenda. A resident from Ward 1 wanted to make some general comments about fiber optics.

Item number 4 was pulled from the agenda.

Upon roll call the motion carried unanimously.

OLD BUSINESS

HWY 265 CONDEMNATION: An ordinance authorizing the City Attorney to seek possession of certain lands located along Highway 265 in the City of Fayetteville by the Power of Eminent Domain, in association with the required easements for the Highway 265 Water and Sewer Relocations. Such properties are owned by Anthony De Palma, Jeane and David Randle, and Timothy and Christine Klinger. The ordinance was left on the first reading at the January 18, 2000 City Council meeting.

Mr. Rose read the ordinance for the second time.

Lamar Pettus stated Mr. and Mrs. Randle have owned this lot for quite a few years and about a year ago the Highway Department took from the South end 32 feet up to the North end 52 feet of their property and pushed it back. At that time the Highway Department paid the Randles severance damage of \$11,000.00. The City is in essence wanting an easement over an additional 15 feet and is offering \$650.00 without any severance damage. He had learn that Arkansas Western Gas Company was wanting another 30 feet. The Randle's do not believe this property will be sellable as residential property with the drainage coming across the lot to the North and with the Fire Department to the South and the electric substation. The Randles would still like the City to simply buy the lot. The city appraised the lot for \$42,000.00, but they would be willing to offset that \$42,000.00 by the \$11,500.00 severance pay that the State of Arkansas has already paid them. He asked the council to deny the condemnation procedure and purchase the property for \$30,500.00.

Charlie Venable explained the reason for the 15 foot easement. The water line is going to be just inside the highway right-of-way, except at the North end. The city would need the easement to work in if there was ever a problem in the water line.

Alderman Austin asked Mr. Pettus if he was proposing a reduced easement.

Lamar Pettus replied he was not proposing one. We are saying that if don't have a need for the easement to put in the water line and they are saying it will go in the City right-of-way, then you really don't have the right to take. What you are saying is, we want to take for some reason that we might need in the future. I think the City has to decide whether or not it has the right to take

a full 15 foot or if it only needs 5 feet or if it should only take the portion of the property to the North end that is going into the easement but I would suggest to you that you probably stand a better chance on the right of taking it if you were taking 5 feet as to opposed to 15 feet but you know I am not offering that. We would like to sell you the whole lot and as I said we can wait and pick up the check, if someone will go ahead and make the motions.

Alderman Russell questioned how the 15 feet was determined.

Charlie Venable replied the city would probably need that much room to work. He recommended the council proceed with the condemnation. He added they could settle any time up until they went to court.

Lamar Pettus requested if the Council was going to go ahead with the ordinance that Mr. Rose notify him when the order was submitted to court. He explained the way most condemnations start is that you file the law suit, you submit the order, you pay in \$600.00, in this case, and you have your easement. He would like to be heard on that initial hearing because we wanted to try to challenge the City's right to take the full 15 feet at that time.

In response to questions regarding other condemnations, Jill Goddard stated there were two temporary verbal agreements, but they still getting final signatures and we have one that we have had a counter offer but we are not sure on.

Alderman Santos stated this is an easement for the City to be able to access the property to repair, to install and repair the water line. The City is not going to own the property. The City was not taking the property. They are not reducing the value of the property at all because this 15 feet falls within the 25 foot set back that would be unable to be build upon anyway.

Lamar Pettus disagreed stating if that is true, then you shouldn't be filing a condemnation action because that is what condemnation does. It is an action by which a government takes property from the private owner. You are taking an interest in that property so it is a taking.

Alderman Austin questioned the value of the property before anyone started putting easements on it.

Mr. Pettus replied the property had been appraised \$42,000 after the highway department had condemned their easement, but their appraisal was about \$50,000.

Alderman Reynolds stated he was not in favor of holding this project up because this highway is well needed. He hoped the city could work it out, but right now he was interested in building Highway 265. We need it bad.

In response to questions, Mr. Pettus stated the gas company wanted an additional 30 foot easement. The gas company was talking about putting their gas line within 5 feet of the existing right-of-way.

Alderman Davis stated it sounded like the gas company may be the one that needed to buy this property.

Alderman Daniels asked what the staff knew about the gas company easement.

Charlie Venable responded the gas company worked on their own easements.

Mr. David Randle, property owner, stated he was at a loss. On one of the maps that we have been shown it shows that there is a proposed 6 inch gas line. The 6 inch gas line runs within the current right-of-way belonging to the State of Arkansas bought for the City of Fayetteville. However, the gas company now says that they are not going to put a 6 inch gas line, it is a 16 inch gas line. A 16 inch gas line requires a 50 foot easement as I'm told. Twenty feet of that easement is going to be in the existing right-of-way as it is now. That's why they are trying to obtain a 30 foot easement in addition to that 20 feet. Now, they tell me they are going to put that gas line within the first 5 feet immediately West of the existing right-of-way. If they do that, you can't access a water line in the first place. In the second place, SWEPCO has a telephone pole sitting right on the right-of-way, anyhow. You can't put a water there. There are too many discrepancies in this thing for it to be pushed aside and not looked at logically and I would request that you look at it a little bit further than just jump in and say, we need to go ahead with this proposal at the present time because it is not finalized. It isn't clear. I hear one thing from the City engineer; I hear something from the gas company and I don't hear anything from anybody that can tell me anything logical.

Mr. Sid Norbash, city staff engineer, stated he was the project manager on this project. This is a very complicated process, very involved. The gas company as well as other utility companies are trying very hard to relocate these utilities. Originally the gas company had two lines in there, two high pressure lines, and they were wanting to combine that. He explained the discrepancy was that the gas company has changed their plans. The City was going by what we were given several months ago. He could understand the confusion. He could not speak for the gas company but he thought this was going to be one high pressure gas line parallel to our water line. They were all trying to squeeze everything in as much as they could and be safe the best we can be, knowing that there is a high pressure water line and high pressure gas line there, so that we won't have to take so much property. They were talking about a 24 inch water line in this case and should we have a blowout out there, it is going to be a grand canyon there before long. So we do need a buffer as well as the gas company. Now the high pressure gas line for the safety of the public, they require that kind of buffer and again, he can not speak for the gas company, I wish we had their rep here. But it was his understanding that this is a high pressure gas line that

for the safety reasons they required a buffer. Again, in this case, he have not had a direct conversation with the gas company as far as where exactly they are going to locate. But with a high pressure gas line next to our water line our practice has been, if we go beyond 5-6 feet separation they feel comfortable with the gas line and we feel comfortable with the water line. And this is basically what it is going to be.

Alderman Russell asked Mr. Norbash what his response was to Mr. Randle's argument that it is going to be virtually impossible for us to put a water line where we say we are going to put it because of the gas line and the telephone pole.

Mr. Norbash replied this contract is on the agenda tonight and hopefully you will approve this for us. We are ahead of the gas company. The gas company is behind us. So basically we will be in there first and we will install our water line.

Alderman Russell added if anybody is going to have a problem getting in, it's going to be the gas company and not us.

Sid Norbash agreed with Alderman Russell.

Alderman Davis stated it is important that the city proceed on with this endeavor. I do want to see that the Randles are taken care of properly and I feel like they will be. In prior experiences with Sid and Ed, and probably my own, they were very clear with they worked things out.

Alderman Austin moved to suspend the rules and move to third and final reading.

Alderman Santos seconded the motion. Upon roll call the motion carried unanimously.

Mr. Rose read the ordinance for the third and final time.

Mayor Hanna called for the vote. Upon roll call the ordinance passed unanimously.

ORDINANCE 4218 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

NEW BUSINESS

ALLTEL COMMUNICATIONS

A resolution granting a temporary revocable license for the placement of buried fiber optic communication cable in the street and alley rights-of-way.

Ms. Judy Warren, an area resident, passed out a series of photos illustrating the marker poles placed by another company to mark their buried cables. She expressed concern about the appearance of these poles and asked that the council consider restricting the size and placement

of these items. And to encourage the companies to find a more attractive solution.

Alderman Young stated he had never seen these markers before and suggested the company use plat markers similar to what the university used.

Mr. Roy Montgomery, ALLTEL, explained in the neighborhoods, when we go through the neighborhood, like we were planning to go through here, we always put those things down as low as we can. Usually 24-30 inches. And that is an industry standard post, the white with the orange with the 800 number to call before digging. And we limit those as much as we can. Normally we just put them to where you can tell which direction the cable goes. And like where we are coming down one street, if we have one at the end, then you can look or come down the other way and find out which way the cable went. We don't put them, there won't be five in a block. He explained they are not pedestals. They are just locators that you put there so that people can know that the cable is there and we can get it located before they dig. That's all they are for.

Mayor Hanna asked how tall their markers were ?

Roy Montgomery replied they usually put them in neighborhoods at 24-30 inches. In the neighborhoods that we went through in Little Rock we put them at 24-30 inches above the ground. Now they do have a new thing that they have come up with that they leave them at the five foot level and put a bird house on top of that portion up there.

Mayor Hanna stated he could see Ms. Warren's point with these pictures. These do seem rather high to have so close together in the neighborhood. I understand the reason for needing them. It looks like 18-24 inches would do exactly the same thing.

Roy Montgomery stated they are just as good that way as they are 5-6 feet because if people are out there going to do something, they are looking for something anyway, they are looking to see something so it doesn't have to be stuck up 6-8 feet off of the ground.

Mayor Hanna asked if we gave you a temporary license for this and we requested that the marking post not be any higher than 18 inches.

Roy Montgomery replied yes, we can do that because the part that has the number, the orange portion that has the numbers and all on it is not but about a foot high.

Mr. Bobby Ferrell , Southwestern Bell Telephone, stated he lived at 2413 Twin Oaks Court, Fayetteville. This is unfortunate. I think I have talked with this lady or perhaps another person in the neighborhood and I can't speak for ALLTEL. They can speak for themselves. The reason that we use industry standard.....I don't know if you drive down the Interstate very much but

these taller posts are up and down the highways. They are up and down the Interstate. They are everywhere. Part of the reason for that is that there is such a tremendous amount of traffic carried over fiber. I'm sure you have all seen our typical markers for our buried cable. They are a green, much like a street sign. They are a green iron pole, and then they a metal deal that says Call 1-800 before digging. If you hit one of those, you most probably going to knock out a small number of customers, if you dig into it or if you hit it. If you go into that fiber optic, those things carry tremendous amount of traffic and it causes, if you hit one, it knocks, a whole heck of lot off, compared to a conventional copper cable that is the distribution cable in the neighborhood. We try to be sensitive to our customers in the neighborhoods and this is something that I didn't realize that ALLTEL had done in Little Rock but I will bring it up to our people. When we were approached about this neighborhood out there the main point for us is that we can't afford to have one of those fibers knocked out. And it is typical to have a copper cable hit. People gardening, people working on fence, I mean, we take calls, especially during the digging season, or gardening season, we take calls every day, several times a day, several times a week. We take them on weekends and it just seems that when you have that tall marker there that the fiber is not hit and the color on it is different on it also. I'll be happy to answer any questions if you have any.

Alderman Austin questioned how deep do you take these fiber optics?

Bobby Ferrell replied it depends upon the terrain. Most of them, I think, they try to bury them about 30-36 , 24-36.

Alderman Austin asked who's expense is it if you cut one?

Bobby Ferrell answered it depends upon whether you called to have a locate. That is why we have those signs out there. It says to call this 800 number. I noticed earlier in the ALLTEL temporary franchise tonight, it listed that they should call the ONE CALL number. If a customer knows they are going to dig and they call the number before they dig, we will come out and ONE CALL will locate all the utilities in the area. They will flag them. They use flags and they use paint to show where these utilities are located. So if a person calls and we come out and locate them and then they dig somewhere other than that, then it is not their fault. If they dig where we have located them, it's their fault. But on traditionally copper cable, I am saying, we have customers typically every day, ALLTEL probably has the same thing, where people dig into our cables, dig into our drops and we come out there and we fix them. We don't charge the customer. But when you get into this load that our fiber carries, it is a different story. That's where we are.

Alderman Davis asked Mr. Ferrell if he could see any way you can decrease the height of yours to 18-24 inches?

Bobby Ferrell replied he don't see how we can decrease it to 18-24 inches, but I'll never say never. I'm going to covey to our company what you have asked me tonight. If they are looking at 5, it may be shorter, but I promise you I'll go back tomorrow and I'll make some telephone calls and I'll convey this to them.

Alderman Austin moved to approve the resolution with an 18" to 24" height limitation. Alderman Reynolds seconded the motion. Upon roll call the motion carried unanimously.

RESOLUTION 14-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

A MOMENT'S NOTICE

A resolution approving a Certificate of Public Convenience for A Moment's Notice Express Inc.

Mayor Hanna explained it was his understanding this person was wanting to bid on the Safe Ride Program contract University of Arkansas-picks up students and takes them home on Thursday, Friday and Saturday nights, not with the intent of the person requesting to have a regular taxi service.

Ms. Colleen Storey, applicant, replied that was right.

Alderman Austin moved to approve the resolution. Alderman Reynolds seconded the motion.

Ms. Colleen Storey stated she was asking for a taxi permit to do the Safe Ride Program for the University of Arkansas.

Alderman Reynolds stated the council was working on this Taxi Ordinance right now in the Review Committee and we may have some new regulations later on but I don't see any problem with holding this up.

Upon roll call the motion carried unanimously.

RESOLUTION 15-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RZA 99-5.00

An ordinance approving annexation request RZA 99-5.00 submitted by Andy Feinstein of Engineering Design Associates on behalf of Richard Doyle, Arkansas Oaks, Inc. for property located at the southeast corner of Bridgeport Drive and Mount Comfort Road. The property is in the planning growth area and contains approximately 13.39 acres. The request is to annex the subject property into the City of Fayetteville.

Mr. Rose read the ordinance for the first time.

Alderman Davis moved to suspend the rules and move to the second reading. Alderman Santos seconded the motion. Upon roll call the motion carried unanimously.

Mr. Rose read the ordinance for the second time.

Mr. Michael, Engineering Design Associates, explained Mr. Feinstein could not make it tonight. I am representing Arkansas Oaks Incorporated. I am here to answer any questions that you might have.

Alderman Young asked if the owner realize that because of the sewer plant situation that the City is not obligated or required, guaranteed to supply sewer to the project?

Michael stated we are aware of that. We are presently doing Bridgeport subdivision which is directly next door and we have checked into that.

Alderman Daniels stated she represented Ward 4 along with Kevin and I haven't gotten any calls on it but I'm not keen on passing this tonight because it is an annexation and then it is followed by a re-zoning and I would like this to be before the Public for at least another Council meeting.

ITEM WAS LEFT ON THE SECOND READING.

RZ 99-35

An ordinance approving RZ 99-35 submitted by Andy Feinstein of Engineering Design Associates on behalf of Richard Doyle for property located at the southeast corner of intersection of Bridgeport Drive and Mount Comfort Road. The property is zoned A-1, Agricultural and contains approximately 13.39 acres. The request is to rezone to R-1, Low Density Residential.

Mr. Rose read the ordinance for the first time.

Alderman Santos moved to suspend the rules and move to the second reading. Alderman Young seconded the motion. Upon roll call the motion carried unanimously.

Mr. Rose read the ordinance for the second time.

THE ITEM WAS LEFT ON THE SECOND READING.

HWY 265 WATER AND SEWER RELOCATIONS

A resolution approving a construction contract with Basic Construction for the Highway 265 water and sanitary sewer relocations phase II in the amount of \$2, 107, 961.00. Approval of a

10 percent contract contingency in the amount of \$210, 796.10 and the approval of a budget adjustment.

Alderman Davis noted 51 percent of this money is reimbursed by the Arkansas Highway Department.

Alderman Austin moved to approve the resolution. Alderman Daniel seconded the motion. Upon roll call the motion carried unanimously.

RESOLUTION 16-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

SEWER SYSTEM IMPROVEMENTS

A resolution approving the contract with RJN for engineering services in connection with sewer system improvements in the amount of \$638,267.00.

Alderman Trumbo stated RJN has done a lot of work for us in the past. They do a good job in connection with McClelland Engineering. This is a lot of the work that is going to be needed to proceed forward with the new waste water treatment plant and existing systems.

Alderman Young questioned if the contract that we are approving is the new one that was in our packet with this memorandum dated January 28th, 2000 with those changes and one addition. That's the contract that we approved?

Mr. Jeff Erf, 2711 Woodcliff Road, stated I have a couple of questions. The first one, or comment, on the document I have here City of Fayetteville Agreement and Services Page 2, under Section 4, Services to be furnished by the engineer. It talks about phase I, the work that results from a preliminary designing court and they will furnish 10 copies to the City of Fayetteville. I would ask that for this contract and for other contracts you consider of this magnitude that you ask the firm to provide the documents also a copy that would be accessible from the Web site, from the City's web site, as easy to produce either a W-acrobat file or HML file so the City could put this document on the web side. We are talking about a hundred million dollar project and I think the more information that you have out there about it the better off everyone is going to be and the less controversial it is going to be. So my suggestion is if you can write in the agreement here that they consider or not consider but that they do supply copies in some format that could go into web site easily and I don't want to get technical here, but if they go to an adobe acrobat file try not to make, they can break it up so that it is not say over 2 megabytes a file. Otherwise, it is just too long to down load.

John Maguire replied I think we can accommodate it.

Jeff Erf stated I just think there are a lot of things the City could put on their web site. This is a

big deal. This is going to be a very big deal and I think we would be better off the more information we know about the project.

Jeff Erf added another thing is I have a little concern about spending this amount of money this early without an election and it is I guess a year away is what we are talking about. I guess my question is what happens a year from now if the citizens vote this thing down. How much of the engineering that's done out of this \$638,000.00, how much of that is salvageable if for example we have to redesign the whole project and move the new waste water treatment facility five miles away?

Mayor Hanna replied this doesn't actually just concern itself with that new waste water treatment plant, does it Charlie?

Charlie Venable explained this collection system is mostly for the new waste water treatment plant. But we have to have this in order to come with a pretty good cost estimate on determining how much we are going to ask for. This is not the only contract we are going to have. We are going to have three others that are coming in. One will be for preliminary design for the West Water Treatment Plant out West. One will be for upgrading our existing plant and one for looking at the distribution system or collection system on the East side of town. All of those will be necessary for us to have for the preliminary stage until we can go out and ask for it. If it is voted down then we have spent that money. But we are going to have to have it. We are going to have to spend the money in order come up with a program to give to the people on how much we are going to have. We are going to have a lot of meetings and other things on these, on the preliminary so it is just going to be necessary whatever we do here to come up with something.

Alderman Young replied in answer to part of your question, at least my perception, this contract is the separating out of the flows. Right now it is all going East, well, if we build one on the West side, you are going to have to rearrange the flows. Even it was shoved further out or in a different place they would be a little bit of additional engineering for this to reroute it but basically the bulk of this money and this engineering would stay in tact because it is just rearranging/separating the flows out.

Alderman Austin thought there is something worse than spending this money and having the public vote it down. That would be to not spend the money, go to the public and have them pass it and a bunch of money approved, a bunch of taxes collected, and not have a plan; not have a good plan. You have all of this money and what are you going to do with it if you don't have a plan. So you have to have a plan before you take the vote so the public can know what they are voting on.

Alderman Daniel moved to approve the resolution. Alderman Davis seconded the motion.

RESOLUTION 17-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

CABLE BOARD NAME CHANGE

An ordinance changing the name of the Fayetteville Cable Board to "Telecommunications Board".

Jerry Rose read the ordinance for the first time.

Alderman Santos moved to suspend the rules and move to the second reading. Alderman Trumbo seconded the motion. Upon roll call the motion carried unanimously.

Mr. Rose read the resolution for the second time.

Alderman Trumbo moved to suspend the rules and move to the third and final reading. Alderman Davis seconded the motion. Upon roll call the motion carried unanimously.

Mr. Rose read the resolution for the third and final time.

Alderman Daniels stated this is a very hard working and knowledgeable group. I think we are very lucky to have those individuals that we have on the Cable Board. I don't see any problem with this at all.

Alderman Trumbo added I don't either. I think they have done a wonderful job. They have really upgraded a lot negotiating quite a bit. This has been a lot of hard work on the Cable Board's part or I should say on the Telecommunications Board's part. How are coming along on the Internet capabilities via cable for the City?

Mr. Marvin Hilton, Cable Administration, replied that is an interesting question because in March we are scheduled to have a cable board meeting that is going to be live on the Internet. That is being done as a demonstration at the University of Arkansas School of Business. The cable board will be live on the World Wide Web on March, I forget the exact date is, but the regular meeting. It will be something new. Actually Peg Centers all across the country are either planning on doing this or beginning to do it. They are beginning to put video out on the Internet. They call it Web Streaming. That is just another example of how telecommunications is converging television and computers. In the beginning depending the equipment, they are using the picture may not be as large as a regular TV but in the future it will be. In several cities they are all ready putting their council meetings on the World Wide Web and last I heard Austin, Texas was doing that. So you could sit in your office and if you had a question about what went on in last night's council meeting you could just click on the web site and bring it up. The audio is at this stage most of the people doing this, the audio is complete but the picture part is only like one frame every 15 seconds. It is not full motion video yet but it could be and

probably will be when the cable modem, the high speed cable modem service is available here in Fayetteville.

Alderman Daniel asked is that live or just a replay?

Marvin Hilton replied it will be live. We are going to go live in March at the Cable Board.....

Upon roll call the motion carried unanimously.

Ordinance 4219

ENVIRONMENTAL CONCERNS

A resolution requiring the Fayetteville City Council and all city boards, committees, commissions and departments to consider the recommendations of the Environmental Concerns Committee when making decisions that have an environmental impact.

Alderman Santos stated that he is the chair of the Environmental Concerns Committee. He stated the committee hasn't been asked to make any recommendations on any issues in the year that he has been chair. He said the Committee feels they have considerable expertise available and they would like to be asked for their opinion on things that concern the environment. Members of the committee have decided the committee really has two functions. One function is to provide expertise in the form of recommendations and opinions to any other City board, committee, commission or department making a decision that could have a significant environmental impact. This would not be binding and it would be up to the individual committees, commissions or departments to decide if the impact was going to be significant. The second function is education. They feel they have an opportunity to educate the public on environmental issues and are going to start having guest speakers beginning with the meeting on February 16th at 5:30 p.m. Dr. Art Brown from the Biological Sciences Department of the University and some of his doctoral students will speak at that meeting. Anyone interested in wetland habitat or the issue of endangered species in general is encouraged to attend..

Alderman Russell stated that he believed Mr. Rose had changed the title of the resolution to read "requesting" rather than "requiring" at the request of the Council so it is clear that no one will be required to do anything and that the scope of the Committee is not being expanded. Mr. Santos has stated that the intention of the resolution is simply to nudge other committees and boards and remind them that the expertise is available and the committee would like to be consulted.

Alderman Trumbo asked how things would work differently with this new resolution. For example, would this new annexation and rezoning on Mount Comfort have to go before the Environmental Concerns Committee to see about the wetlands?

Alderman Santos replied that if the Planning Commission were to decide that there are

significant wetlands involved, it would be their decision to ask the Environmental Concerns Committee for recommendations. Though this option has always been available, it hasn't often been used.

Alderman Davis stated he felt it sounded to him as if the Committee is asking to put something on the books that really may not have any merit or basis to begin with. At this point, if the Council meets in Agenda Session and has a concern about any issue, they can pull it off the agenda and send it to a committee for recommendation. He wasn't sure why this change would be needed or how it would change the situation. He stated he believes the environment is very important and we should do anything we can to protect it, but he wasn't clear about the need for this change.

Alderman Santos stated the wording for the resolution comes directly out of the Charter of the Committee. This is what the committee is charged to do. This resolution is just a statement from the City Council that we really would like for our departments, commissions and boards to follow the Charter, be aware of this option to consult this committee and to use that option.

Alderman Austin suggested it was sort of like restating something that has already been stated. Like the Ordinance Review Committee asking the Council to ask the Committee for information on every ordinance that is brought up.

Alderman Santos stated that the Ordinance Review Committee is also bypassed on quite a few ordinances too.

Alderman Austin said that was fine with him. The Committee doesn't have time to review every ordinance or every project that comes up. I don't see how you, who all is on that committee, He wondered how the Environmental Concerns Committee would have the time to come up with an opinion on every issue.

Alderman Santos said the key word is "significant", it is up to the discretion of each department to ask for an opinion. The committee is asking for a statement from the Council that they believe the committee is not a joke and they would like to see the committee used for its intended purpose.

Alderman Daniel stated she felt there is plenty out there that this committee can look into and it is almost a publicity thing. They are saying. "we are here! Give us something to do". This is a committee that should carry weight.

Alderman Reynolds said he felt Kevin was doing a great job but he (Alderman Reynolds) doesn't want anything additional to do if it is not serious business and if it doesn't have something serious to do about the impact of this City. At this point, if a Council member is concerned

about an environmental issue, he can pull the item off the agenda and recommend that it be sent to the Committee.

Alderman Russell said he would have to take issue with the notion that there is nothing for the Environmental Concerns Committee to do. He doesn't feel the City has a lot of environmental problems that deserve a whole lot of attention, but there are always ways to improve. It may be that there will need to be some changes made in the Solid Waste Department's Pay as you Throw Program, and this could be an issue for the Environmental Concerns Committee to make recommendations on. This is just a non-binding acknowledgment that this committee is worth while, and should be taken seriously. Also that we appreciate the work that they do and we will abide by the Charter in the future. He doesn't feel the Committee is asking to be contacted on everything. They are asking to be contacted on some things.

Alderman Austin asked why one of the four aldermen on the Environmental Concerns Committee had not requested that the issue of wetlands at the Research and Technology Park be sent to the Environmental Concerns Committee for recommendation.

Alderman Young asked why the staff or somebody hadn't brought the issue to the Environmental Concerns Committee.

Alderman Santos said a good example was the Great House Park controversy with the cutting all the trees down. He thinks that situation could have been handled entirely by the Environmental Concerns Committee with the exact same outcome. It would have saved a lot of time and heartache.

Alderman Russell agreed. He accepted his share of the responsibility for not sending this issue to the Environmental Concerns Committee to take some work off all shoulders of the Council, and staff. He stated he plans to vote for this resolution.

Alderman Austin said his main concern is the wording of the ordinance. Is it necessary to give recognition to a body that has been elected, that has been charged and taken the oath to do certain things? Is it necessary for the Council to recognize them? If it is, he said he would vote for this.

Alderman Santos said he felt it represents the attitude of the Council that it really does want City staff, City departments or other commissions and boards to consider the Environmental Concerns Committee as a resource.

Alderman Austin asked about the possibility of adding a time limit.

Alderman Davis said what is significant to one person, might not be significant to another.

Nine different people might have nine different opinions.

Alderman Reynolds questioned why the staff had not brought the issue of wetlands at the Research and Technology park before the Environmental Concerns Committee.

Charles Venable, Public Works Director, said everything has to be cleared through the Corp of Engineers if the city is doing anything in a wetland area.

Mayor Hanna explained that it wasn't a wetland area when that was done. It was because the city cleared that thing off and didn't do any drainage work on it.

Mr. Venable: explained that the City knew there was an environmental concern there because around 1991 a study was done and there was seven acres of wetland. And all of this was preserved. What we didn't realize was that when we got the Corp involved again, it had grown from 7 to 70 acres. He stated that he doesn't necessarily agree with what the Corps has done but they have said that if we would have kept it mowed it wouldn't have become a wetland. When we go to the Corps and they say we have to do the studies, we have to do the studies. He didn't think the Environmental Concerns Committee would have been able to help on that study. It would have had to be done anyway.

Mayor Hanna explained that the City had simply removed the cattle from the area and when the grazing stopped, the grass grew and started retaining water and moisture, expanding the 7 acres of wetland to 70 acres.

Alderman Santos said some expert advise might have been useful then.

Alderman Daniels stated the Trails Advisory Committee made a move like this a few years ago too, and I can't remember if we called it a resolution or what but we convinced the staff and the Planning Commission is suppose to look over any new streets, building projects to make sure we can the proper trails in or how many or so on. I think that really helped us along too, to draw attention to ourselves and the needs of the public as far as trails, sidewalks and things.

Alderman Davis stated I think the discussion tonight is opened that up whether we vote for this or not to where we will think about it.

Mayor Hanna stated the Environmental Concerns Committee has done some real good works, done a lot on our Solid Waste recycling and a lot other areas they have worked in. He added regardless of this resolution tonight I would encourage you to look real strongly at more education to the people.

Alderman Santos stated we have been trying to schedule speakers. Are there any more speakers

out there? Anybody who wants to speak to the Environmental Concerns Commission give me a call.

Jeff Erf, an area resident, I would just encourage the Council to support the resolution. I would also encourage the Environmental Concerns Committee to be more active. I think there is a lot that they could be doing. I was wondering if you were considering or proposing that the ECC review for example, Storm Water Management plans? Or erosion control plans on large projects?

Alderman Young replied there is an ordinance that regulates that.

Jeff Erf asked about educating developers and contractors on best management practices? There is a need for that in this town.

Alderman Santos: That goes back to unfortunately to the ordinance. I think that maybe if we could put together a program on erosion control.

Jeff Erf stated there are a lot of different entities studying the Mud Creek Water Shed. Now it would be nice, I don't think there is one umbrella organization overseeing all of that. I mean would that be a role you could see the ECC playing.

Alderman Santos replied as an advisory committee, no we are not, I don't think we want to take on anything that big. What this resolution is asking for is individual decisions by the Planning Commission, Parks Board, the Street Committee, the Water and Sewer Committee, all have issues. Broad water shed issues, I can't see that we would anything to contribute to that. That takes intergovernmental cooperation between agencies like the State of OK, State of AR, State of MO.

Jeff Erf stated I'm just trying to understand what your committee can contribute.

Alderman Young stated unless the Planning Commission came up on something odd ball that just blows their mind, you know, and they are having trouble dealing with it and so they could give it to the ECC. For one thing that would be an opportunity for additional public input on that specific aspect of.

Jeff Erf asked is your mission just to bring about environmental awareness to the citizens of Fayetteville?

Alderman Santos replied to provide advice, professional advice on general topics not on specific projects.

Dan Coody an area resident, stated if the issue had been brought to you and the committee about the four county regional solid waste for bringing household hazardous waste drop off center here in Fayetteville, I know the City staffers decided to let another town have the opportunity to have that, so now it is in Springdale on Randall Wolbe(?) Road, up there at the Springdale Street Department. So being a Fayetteville citizen, I have to take paints, pesticides, household insecticides anything I would consider household hazardous waste, up to the North side of Springdale. Had this been brought to your committee, the option of having household hazardous waste drop off site here in town, having been brought to your committee, might the results have turned out differently so that we could in Fayetteville have a hhw drop off site?

Alderman Santos replied I don't know. That is something the committee would decide. I can see two sides to the argument immediately myself, is that we don't want to concentrate those toxic materials in our City. But then again we want to make it more available for citizens to get rid of those toxic materials instead of having them spread out around the City.

Alderman Davis stated we do have those pick ups, either once or twice a year if you are able to take it down to the City and we dispose of those items for you. Twice a year.

Charlie Venable stated we cut it to once. We were having it twice. This past year we only had it one time. Although we didn't receive all that much, probably because of the Springdale location.

Alderman Daniel agreed I think people would participate more and the thing is you have to remember when this date is coming up. I agree, Dan, I think we kind of missed the boat on.

Mayor Hanna stated well that was a Four County Solid Waste decision.

Dan Coody stated I think the City was all for that option and the City turned it down according to Cheryl Zotti and the quotes that I read in the paper. We were given the opportunity to have a drop off station down at the South industrial park but we turned it down and it is North of Springdale.

Mayor Hanna asked Mr. Coody if he knew the requirements for the city of Fayetteville.

Dan Coody replied I think the requirements were to have it manned for four hours a day either two or three days a week. A grand total of four hours for three days because it was twelve man hours a week to have somebody stationed there so it would be open two or three times a week so people could come in on say, Monday, Wednesday and Friday and drop off materials instead of having to wait six months or a year to store the materials and then deal with it in a four hour period. But I would hope that the ECC might get the respect it deserves to when these issues come before you could make recommendations that might make it more convenient for folks

who are concerned about things like that here in town. Thank you.

Alderman Russell stated before we vote on this I would like to ask Mr. Rose since this is not part of the Agenda, only the title is, I would like to ask Mr. Rose to read what we are voting on for the benefit of the public and the people watching at home.

Mr. Rose read the resolution.

Alderman Santos moved to pass this resolution. Alderman Russell seconded the motion. Upon roll call the motion carried by a vote of five to three. Aldermen Reynolds, Austin, and Davis voting nay.

RESOLUTION 18-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK. *Parking Regulation*
An ordinance amending Chapter 72, Parking Regulations, of the Code of Fayetteville, to amend the rates for parking meter zones and rates for parking in the city parking garages; to define the term "Parking Meter Zones"; and allowing the parking meter zones to be described, established and altered by the Mayor or his duly authorized representative.

Mr. Rose read the ordinance for the first time.

Mayor Hanna stated I got a number of e-mails late this afternoon from the people who are questioning this and are concerned about it. One of the main reasons we have done this is we see what the renovation of our Downtown area and the need for more parking. We can't expend monies for parking decks and things like that unless we get our parking fees up to a level where we can support a bond. We are all ready looking at the possibility of building a deck West of Campbell Building, West of the E. J. Ball Building and the first step is to get enough revenue generated from our Downtown parking. Now our Downtown parking is considerably cheaper than it is in most cities. I think it would be, we need to look at this long term. One of the firms that I got a bunch of e-mails from I intend to call them in the morning. We talked to John Lewis at the Bank of Fayetteville, or rather he talked to me during Christmas season, because of all the people coming Downtown, he was concerned about the parking for his employees. We started running the shuttle from Wal Mart Center Parking lot to the Square every morning before work and every afternoon after work. John told me that a lot of his employees were using it. It freed up parking spaces. I think that maybe some of the Downtown people have not taken advantage of that and we are going to encourage them to do it. Right now we are in a worse situation than we have been because we have a whole lot blocked off where we are building the Town Center. So there is a reason for this, it is not just to bring in income. I understand what people are talking about when they have to pay an extra \$10.00 a month for Hang Tags or something like that. But they also have the option of going to the Walton Arts Center and riding for free and not spending any money. Also their employer has the option of paying their parking for them. I just wanted to make you aware of all of that.

Apryl Okoroafor, the Parking Management Director, stated we didn't look at just any one city. My predecessor did an intensive study by contacting several cities throughout the region and area checking out their prices. He did a very intense research on this. And what we are proposing is not something that is even in the same market with the other cities that he reviewed. We are proposing something that we feel would be viable for all market. We are not even trying to compare with the University. If you check the University rates, they far exceed what we are proposing here. The reason we are proposing a 25 cent increase on the short term meters is that on the Square we are having great difficulty and also on Dickson Street of people utilizing the short meter, the two hour meters, for all day usage. That defeats the purpose of the short term meter. The short term meter is to encourage customers to come up and utilize those spaces for businesses on the Square. Right now ten cents an hour is very convenient for people who work on the Square to come up and park and run out every two hours and plug this meter. And I know it may strange, but it is a common practice for people who work on the Square to plug the meters every two hours rather than walking a block away and plugging the meter for all day and not having to worry about it again. It is convenient. So our goal here is to encourage employees on the Square to move to long term meters, not to discourage consumers for coming up to the Square but make them aware that the purpose of the meters is to keep traffic flow moving through the Square. Not to get people up there to park to have them park and then go off and do their business else where but to have the traffic flow moving and by increasing this rate we are going to encourage people in the flow of traffic on the Square to move, to increase, to get more people up there doing more business because they can find parking more readily rather going out and having to search at the rate that we are doing now. It is very inconvenient.

Alderman Daniels stated I had a lengthy conversation with Apryl today and I was really impressed with everything that went into this study. We have been struggling with this parking problem ever since I have been on the Council and there is not going to be a perfect solution. But after listening to her, her reasons and how they put this all together, I am going to vote in favor of this. If this doesn't work, we can change it. But believe me, we bought the hand held meters which were expensive and that has helped, Apryl says. She has mountains of statistics we could look at and spend hours talking about it. Also there is new technology coming out every week but there is a price for that. But I think we are going to keep chip away at this and when I saw how thoughtfully this had been put together, I said, I am going to go for it. Let's try this.

Alderman Austin asked on this area here on this drawing, a 40-50 block area, down by Lafayette, Archibald Yell, College and West Avenue, do you have any idea how many people work in that area, or have a business in that area?

Apryl Okoroafor replied I have not actually taken a census of the exact number that work there. I just put out a survey last month and I counted 182 employees and business owners on the Square and that is not even the tip of the iceberg. That's not even one block. I took it over at

the college. My 182 count only dealt with the people currently on my hang tag and card lot programs and business names. I actually walked the streets, got the names of the businesses, went down the list and wrote their addresses so I could get a fair share of information out to the public in that one square block around the square. I got 182. That does not count all employees.

Alderman Austin asked are we talking a couple thousand?

Apryl Okoroafor replied I would think so, yes.

Mayor Hanna stated that's the reason we need to make plans for more parking in the area and we can't do it if we leave the rates so low. Apryl and John worked real hard on that. To be honest with you I thought they set the rates too low.

John Maguire stated It might be of some interest to the Council that the market survey that Apryl is talking about we have paper commitment, just a tally of 104, I believe it is, people who are willing to commit to the lot back of the Lewis Brothers old building for long term parking at rates between \$50-\$60 a month. They are willing to sign three year leases. So this is trying to get us up to market and plan for the need Downtown in a big way.

Alderman Reynolds asked are talking about raising meters on Dickson Street or are we talking about a parking garage on Dickson Street also?

Apryl Okoroafor stated I would like to clarify that about the meters on Dickson.

Alderman Reynolds stated all the buildings are full now and we have two more coming.

Apryl Okoroafor stated at the end of the Sidewalk Skate(?) Project. At the conclusion of that they will be removing the meters on Dickson and that will be two hour parking. So there will no longer be meters on Dickson Street. All the meters will be Downtown. It will make the view much nicer but it will also increase the strain on the Parking Division. We will have to look into increasing the number of enforcement officers that we currently have.

Alderman Reynolds stated if you take the meters down there, it means that we will have University parking there all day long.

Apryl Okoroafor stated we are going to have timed two hour parking. We are going to have a meter officer who will run that lot and the street every two hours issuing tickets if the vehicle has not moved every two hours.

Alderman Reynolds stated see the way it is now, Apryl, what time does your man hit the

parking lot down there first? 8:00 o'clock - 8:30??

Apryl Okoroafor answered it is usually about 8:15 - 8:30 a.m.

Alderman Reynolds stated those students park there and they run down to the corner and catch the bus and they are back to their car and gone before your man makes that second round.

Mayor Hanna stated if it works around the Square and we are able to generate enough income to build another parking deck. I am certain Dickson Street will be next on that. We will have to have a commitment from the people down there to use the spaces and give us contracts to use them. I know you are right because I have driven down and looked at it. And it is probably time to start charging for parking in that area.

Alderman Young stated when I first became an alderman, this parking situation was one of the first problems that was dumped on me. In fact the reason I think I inherited it was that the staff had been dealing with it for years before I came on the Council. They threw their hands up. The problem was around the Square and some of the same problems that she is describing and some of the things in this ordinance were some the things kicked around and discussed at that time. At the time we left the rates where they were but we changed up the hang tags and hand held meters. Evidently that has worked for a while but there is still problems and it is just like the Mayor pointed out a lot of it is just the merchants and employees realized there is an alternative way of dealing with things down here on the Square.

Alderman Santos stated I will go ahead and say too that except for that one down side of costing people literally nickels and dimes more per year, it is doing so many good things. It is going to enable the parking deck to be built to make better use of our Downtown property. It is going to be better for businesses because it is going to get employees out the prime parking spots and open those up for customers for the Downtown and Dickson Street businesses. And as far as urban design goals go, it is going to make for a more pedestrian friendly environment in the Downtown and Dickson Street which we are also committed to because we are going to be increasing the price of parking there. Fewer people drive. More people ride the public transit. So I go ahead and make a motion. Yes I move that we pass this resolution.

Alderman Santos moved to suspend the rules and move to the second reading. Alderman Austin seconded the motion. Upon roll call the motion carried unanimously.

Mr. Rose read the resolution for the second time.

Alderman Russell stated since this does affect a lot of citizens I was going to suggest that we

leave this and the next issue we leave them on the second reading so that we can at least kind of follow our rezoning and annexation policy on what public comments. Since it does affect probably more citizens than a rezoning and annexation will. Unless there is some kind of emergency.

Jeff Erf asked a quick question. I notice on page 2 Section I No 2 it mentions the Town Center Parking Garage. Is the City going to collect the money for that and will it go into City or is the money collected for parking and the new parking garage below the Town Center, will that go to Commission?

John Maguire stated my understanding, sir, is that it would go to the City. Except the spaces allocated to Becker Development which has about 30 spaces or so.

Mayor Hanna stated it goes into the Parking Fund. That's what we are wanting to build up so we can spend the money on more parking.

Jeff Erf asked so it will be under City control not A & P Commission control?

John Maguire stated that's correct.

THE ORDINANCE WAS LEFT ON THE SECOND READING.

WATER AND SEWER RECONNECT FEES

An ordinance amending Chapter 51: Water and Sewers, of the Code of Fayetteville, to amend the fee for service re-connection; provide for a minimum billing; and amend the charge for broken locks and couplings.

Mr. Rose read the ordinance for the first time.

Alderman Austin stated \$40.00 a trip is pretty reasonable. I give \$40.00 when they come out to check my heating system.

Alderman Daniels stated my concern here is people who are really in trouble financially. Now what happens when someone really can't pay the bill? I know they can get some help but

John Maguire stated that's a good question, Heather. This ordinance is directed to those who are flagrant abusers of not paying their bill for a period of time. Regular customers, long time customers of the City, if they are out of work, or they have a history of paying even late three or four months a year, they pull that up on the computer and those people aren't cut off. This is directed to those who are flagrant and we are not amused by the outcomes of those flagrant abusers.

Alderman Daniels stated I believe there are also some entities up in the community that will even pay utilities for families that are struggling or having problems temporary usually and does the City work directly with those folks or do you know?

John Maguire stated I personally don't have any contact with that but the Community Development guys have gone to the rescue of people that had dire emergencies and have even put in heating systems for example. He added they are give a notice and I have instructed them to even give them within a two day window of when that water will be cut off. Presently we send them a letter, then we go out and we put a hang tag on the door. We are going to discontinue the hang tags. If it is a problem, then we don't see any merit in us making a trip out there and saying we are going to turn it off next week.

Alderman Russell stated you have found that most of the time either the letter does the job and solves the problem or the problem doesn't get solved at all.

John Maguire stated it is just an added cost to the City that we see no benefit to the customer or to the City.

Alderman Trumbo moved to suspend the rules and go to the second reading. Alderman Davis seconded the motion. Upon roll call the ordinance carried unanimously.

Mr. Rose read the ordinance for the second time.

Alderman Trumbo stated I was going to ask the Environmental Concerns Committee to see if they could get with Willie Newman to have a televised open volume based trash program. We are getting so many people that don't know their for doing this. I think it is a good time to have an open public hearing on suggestions, like going from a 30 gallon to a 32 and just talking more about it because a lot of people, we have had a number of hearings but they were not watching or weren't there or didn't read so if you wouldn't mind entertaining that I think it would be very timely.

Alderman Santos stated I think we could probably put that in for our March meeting. The meetings are always 5:30 p.m. on the 3rd Wednesday of the month in Room 326 and you don't want to miss Dr. Brown and his PHD student show April 16th at 5:30 p.m. Everybody come.

Meeting adjourned at 8:50 p.m.