508803

MINUTES OF A MEETING
OF THE
FAYETTEVILLE CITY COUNCIL
FEBRUARY 15, 2000

A meeting of the Fayetteville City Council was held on February 15, 2000 at 5:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

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

STATE OF THE CITY ADDRESS

NOMINATING COMMITTEE REPORT

Alderman Daniel moved to appoint:

Planning Commission: Lee Ward, Loral Hoffman (for reappointment) and Nancy Allen.
A&P Commission: Ching Mong (unexpired term) and John Gillian (full term).
Library Board: Beverly Bassett Schaffer (unexpired term) and Louis Gottsponer.
Historic District: Orland Maxfield (Unexpired term) and Jana Britton.
Board of Construction Appeals: Tommie Perkins and Mike Tremill.
Civil Service: Buddy Ledford.

The motion was seconded by Alderman Santos. Upon roll call the motion carried unanimously.

EMPLOYEE OF THE MONTH

Mayor Hanna stated the employee of the month of January, Debra Bryant and Michelle Turberville both submitted suggestions that the city centralize the purchasing of office supplies to save money. It is estimated it would save the city 5% each year. The Mayor presented the two employees with certificates and a check.

CONSENT AGENDA

APPROVAL OF THE MINUTES

Approval of the minutes of the February 1, 2000 City Council minutes

SURVEY SERVICES

A resolution approving a contract in the amount of $29,735.00 to Garver Engineers to provide surveying services for the City's use to design three trails (Joyce, Mud Creek, and Mud Creek Tributary) "in-house".

RESOLUTION 19-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

PILOT TROLLEY ROUTE

A resolution approving a contract amendment in the amount of $37,500 with Jones Transportation to initiate a pilot trolley route from south Fayetteville. An additional $12,000 is requested for fuel, maintenance and other expenses.

RESOLUTION 20-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

CLEVELAND SIDEWALK

A resolution awarding a construction contract to APAC-Arkansas, Inc., McClinton Anchor Division in the amount of $114,025.00; approval of a contract contingency funding of $17,104.00 (15%); approval of $20,000 for contract administration, construction inspection and materials testing; and approval of a budget adjustment.

RESOLUTION 21-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

WIMBERLY DRIVE

A resolution not requiring the dedication of 10 feet of additional right-of-way based on the Master Street Plan for Wimberly Drive classified as a collector street. The request was submitted by Crafton, Tull, and Associates on behalf of Danny Smith for property located at 3380 Wimberly Drive as LSD 99-27.

RESOLUTION 22-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Alderman Trumbo moved to approve the Consent Agenda. Alderman Santos seconded the motion. Upon roll call the motion carried by a vote of 6-0-1. Alderman Young abstaining, Alderman Davis not present for vote.

OLD BUSINESS

RZA 99-5.00

An ordinance approving annexation request RZA 99-5.00 submitted by Engineering Design Associates on behalf of Arkansas Oaks, Inc. for property located at the southeast corner of Bridgeport Drive and Mount Comfort Road. The property is located in the planning growth area and contains approximately 13.39 acres. The request is to annex the subject property into the City of Fayetteville. The ordinance was left on the second reading at the February 1, 2000 City Council meeting.

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

There was no public comment.

Mayor Hanna called for the vote. Upon roll call the ordinance passed unanimously. Alderman Davis not present for vote.

ORDINANCE 4220 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RZ 99-35.00
An ordinance approving RZ 99-35 submitted by Engineering Design Associates on behalf of Arkansas Oaks Inc. 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 the property to R-1, Low Density Residential. The ordinance was left on the second reading at the February 1, 2000 City Council meeting.

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

There was no public comment.

Mayor Hanna called for the vote. Upon roll call the ordinance passed unanimously. Alderman Davis not present for vote.

ORDINANCE 4221 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

PARKING REGULATIONS
An ordinance amending Chapter 72, Parking Regulations, 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 allow the parking meter zones to be described, established and altered by the Mayor or his duly authorized representative. The ordinance was left on the second reading at the February 1, 2000 City Council meeting.

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

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

There was no public comment.

Mayor Hanna called for the vote. Upon roll call the ordinance passed unanimously. Alderman Davis not present for vote.

ordinance #4222
WATER AND SEWER RECONNECT FEES
An ordinance amending Chapter 51, Water and Sewer, of the Code of Fayetteville, to amend the

fee for service and couplings. The ordinance was left on the second reading at the February 1, 2000 City Council meeting.

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

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

There was no public comment.

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

ORDINANCE 422~~2~~3 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

NEW BUSINESS

H&H CARRIAGE COMPANY
A resolution approving a Certificate of Public Convenience and Necessity for H&H Carriage Company.

Mayor Hanna explained this was a change of ownership. The company that provided the carriage rides to the downtown square during Christmas and other special events.

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

RESOLUTION 23-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

MULTI-PURPOSE SPORTS ARENA
Approval of an ordinance awarding a contract to QuesTec Corporation for preparation of a business plan, waiving competitive bidding, and appropriating up to $200,000 for preparation of a business plan.

Approval of an ordinance to expand the role of the Public Facilities Board to include recreational facilities and multi-family housing as provided by Stated law.

Mr. Rose read the ordinances for the first time.

Ms. Alett Little, Economic Development Director, explained there were two items on the agenda. The first was a contract for a study. They were asking the City Council to appropriate $200,000. These were Airport Funds which were from their parking revenues that they had acquired. They were asking that the $200,000 be appropriated to be invested into a study for this proposal. The money would be 100% reimbursable, if the project was financed and built. The second item they were bringing forward was the change in the duties of the Public Facilities Board. The reason they were asking for this now, was that one of the ways they may use to finance this particular proposal is bonds. The Public Facilities Board did have the abilities to issue bonds for these types of projects, if the Council changed their duties. Their duties were spelled out in the State Law, so they were asking for the city ordinance to allow what the state allowed them to do. They would have a third item related to this as they progressed, which would be the approval of a lease agreement for grounds at the Airport. The lease would be based on a couple of conditions. One of the conditions would be that the stadium was going forward and they approved that the airport site was the best location for the project and that they had reached an agreeable lease agreement with the consultant and the developer.

The project was a multi purpose sports area. She had worked with the developer to put together a team of professionals. The organization had been involved with these types of projects for a long time. Although, they were in the preliminary stages they thought the arena would have approximately 6,000 seats and would have two sheets of ice. They had talked to a franchise owner of a minor league hockey team. That team was a part of the deal. The league was the Western Professional Hockey League and its headquarters was in Phoenix, Arizona. They had considered a number of sites. They thought the site at Drake Field offered a lot of advantages to them. She hoped the money they were asking for tonight would help them nail down the best site. She cautioned that this was not a firm proposal and it was not a done deal. She thought one of the reasons to enter into the study would be to get some additional public input and to get some sound data that they could use to analyze whether or not this was the right thing for the city and the airport. And whether or not it was a good investment for the developers who were looking at approximately 15-20 million dollars of their money. They were looking for a way to figure out if this was a sound proposal. She stated the consultants have made it very clear to her that this facility would not be built in Fayetteville, if the facility did not have public support.

Drake Field is in excellent shape, however, it is not the same airport it was and they could not count on those revenues that they had received from the passenger or parking revenues from the past. The city's budget department had estimated that Drake Field was operating at a deficit of $310,000 per year. They had cut the staff, and the airport manager currently operates and maintains 600 acres with a staff of six, which was down from seventeen at this time last year. They had completed several improvement and new t-hangars. The money at the airport was in a self sustaining fund, which was called an enterprise fund, which meant that money that was made or lost in a particular fund stayed balanced within that fund. Currently they were paying their operating expenses from their fund balance. Without additional revenues coming into the fund the fund would continue to decline. One way they could make money was to use the parking lot which was an existing asset with 900 parking spaces.

There was an element of risk, there was no guarantee that the study would be successful. If it was not, the money would be lost. There were several stop gaps in the study process. On the other hand, if the project was feasible, the entire $200,000 would be returned to the airport fund. They would not get interest on the money but they would get the money back.

She explained if the project went forward, any leases which were made as part of this deal, the lease money and parking money would go back into the airport fund. They had devised a committee which would be working on aggressive marketing of the airport. They were going to promote Drake Field as an aviation and business friendly airport. It is their intention if this facility is to be located at Drake Field for it to co-exist with the existing facilities. It is also their intention that air traffic will come first. They are expecting this facility to complete air traffic and to maintain their airport identity. They would also have the opportunity to lease some terminal space to the facility, but only the part which was to the north and only the part which would benefit the project. The leases would also contribute to the airport's bottom line. The airport would keep any revenues at Drake Field.

They had also discussed with the developer the city's responsibility to preserve the flight path into the airport. They expected to install a portion of the facility below grade. They had also talked with Don Harris, FFA, regarding the installation of a facility like this one. This was an assembly occupancy. Before giving any entity a lease on the property, they would have a letter from the FFA for the type of facility. Right now they have been given a green light from the FFA.

In response to questions from Alderman Trumbo, Ms. Little stated the total cost was estimated to be $700,000. The developers would be paying the remainder of the cost, including QuesTec.

Alderman Austin asked if they would be able to attract any industry, investment or group to the airport site without an investment such as the feasibility study.

Ms. Little replied there was almost always incentive money. Drake Field already had great utilities and access. She had already been contacted by other property owners in south Fayetteville who were very excited to see this type of development go in this part of town. She thought there would be some major spin off affects, if they could locate this facility in this part of town.

Alderman Davis asked what would happen to the terminal building if this facility was built.

Ms. Little replied people would have to use the existing parking to get into the area. One of the things she thought they could do was use the center door then head north. This was the new part of the terminal. There was space available there for lease. She thought some of it could be used for lease space which could be related to the arena or other things. She did not think they were ready to answer those questions. They could look at that in the study. They really did not know yet, but they would like to have some revenue. Leases on the property would need to go to the Airport Board.

Alderman Trumbo asked Mr. McCord if the business plan would be used as part of the bond process.

Mr. McCord stated there were two studies which would be used. One would be the developers study, which was being discussed tonight. There would also have to be an independent study by a national accounting firm such as Arthur Andersen. There were many different options on financing.

Alderman Trumbo stated it was his understanding that bonds floated through the Public Facility Board, the city was not liable on this type of financing . If the project were to fail, what would happen to the city's land?

Mr. McCord replied assuming bonds were used as the method of financing, there would be special obligation bonds. There was no potential recourse against the city or the facility board. Most likely there would be a mortgage on the facility site. If there were a payment default, there could be a foreclosure on that part of the airport site. It would be the bondholder or investor that would be out of the money.

Alderman Young questioned the mortgage on the land. He had assumed the city would own the land free and clear.

Mr. McCord stated this was such a preliminary stated he could not tell them the exact structure, but normally the site was mortgaged.

In response to questions from aldermen, Ms. Little stated the developer anticipated using the facility for other revenue generating events. No lease had been made. The city still had the ability to put any condition on the lease that they wanted. The developer knew that they would have to have other events for at lease 120 nights out of the year to make the project cash flow.

Alderman Davis noted they would only be using the facility for forty hockey games a year. They would have to use the facility for other activities such as concerts and shows.

Ms. Little introduced Mr. Joe Greaves VP of QuesTec, John Akerley Nustadia Development USA and Conrad Boychux with PBK Architects.

Mr. Joe Greaves, QuesTec, stated they believed that NW Arkansas would benefit by the facility. The community is blessed with a strong economy and strong corporate citizens. QuesTec is charged with the responsibility and obligation of producing a feasibility study and business plan for the city. They needed to move quickly through the public process in order to be open for the hockey season next year. It was not their intent to force this project on the community. If the council and community are not behind this project, it will not go forward. QuesTec and its team of professionals will examine the market as well as produce a business plan. They are producing a business. They are not here to get paid as a consultant and then leave. They must live with their work. They are developing other projects in NW Arkansas. This is not the first one, nor will it be the last. They will operate as the engineer and construction manager for the project. The importance of the relationship is that QuesTec will guarantee a price and time frame for the project construction.

Mr. John Akerley, Nustadia, stated he had been impressed with the community. His vision is to provide a multi-use sports facility to the community. His group and affiliates have been developing this type of facility for some thirty odd years. They are currently working on eight or ten of these ventures in Canada and several other towns in the US. They have done others in the US. They have decided to focus on Middletown America and to move away from the larger cities to provide amenities and quality of life that the larger centers benefit from. They wanted to do so with two major differences than the major cities. They did not want to use tax dollars and they wanted to eliminate operating at a deficit. They want to construct and operate the arenas as viable businesses. Traditionally all of these buildings up to about five years ago, had been built with tax dollars and had been subsidized on a yearly basis. If he was going to invest in the community, he was going to need a return on the community. If he could not have a return on his investment, then he would not invest. He was convinced that he could make a profit in Fayetteville, because it was the eighth fastest growing community in the USA. If he could not do it here he may as well go home. They had a series of steps based on a sound financial formula. As they went through the feasibility study and business plan they would have periodic meetings. At each one of these meetings they would decide whether or not to go forward. If it was not going to work they would part. This would be a business approach. He wanted them to realize if this project worked, they would be married for thirty years. He intended to operate the building. If they could not afford to be friends he would go home as a friend. To be successful the development required three major conditions: the public must want it (corporate and individual), city council must support it , and it has to be a viable business. It had to be self-sustaining. He wanted to share the profit with the city. They would like to have the project up and running for the fall of 2001, for the beginning of the hockey season. He introduced Mr. Conrad Boychux, project architect, to give them an overview of the project.

Mr. Conrad Boychux, PBK Architect, stated he had been in the business of creation of facilities for twenty-five years. This is a growing community and is a good place to do business. He was before them as a design architect, without a design to show them. This was not the usual way he operated, but he wanted to talk about the design philosophy they used to create the facilities. He presented floor plans of a building for a community. This is a multi-purpose sports and entertainment facility. This building has to be a dynamic self-sustaining building. Hockey will only be one aspect of the building. There is a wide range of diversity for which the building could be used from different sports to boat shows. There is a great deal of expertise required to handle the versatility. A typical section of the facility contained at the bottom level, the ice level has the dressing rooms. The general public is not down at that level. It is normally sunken into the ground so the public could enter the building one level above. Except when there is a concert in the building, then there will be people at that level. People will enter the building on the next level, the main concourse. The Walton Arena was a good example of how that worked. The concourse will have access to the seating, restrooms, and concessions. One level up will be the private suite or premium level. He stated they are committed to maximizing the flexibility of the building so that the architecture never gets in the way of the operator and brings as much diversity and entertainment into the community as possible.

Alderman Trumbo asked Mr. Boychux how many he had personally worked on.

Mr. Boychux replied in terms of those actually constructed, fifteen. They had six or seven that did not go ahead. In addition to ice facility, which did not have the same level of spectator capacity, probably about thirty to thirty-five.

Alderman Davis asked if they were going to have 120 events, what percentage of occupancy would they have to have to make it successful.

Mr. Akerley stated they tried to be conservative when they did their estimates. They did not know the exact number now. Their market study would determine that. They were looking for an average attendance of four thousand per event. They would be able to answer those questions more accurately at the end of the study.

In response to questions from Alderman Davis, Mr. Akerley, stated they had an arena in Witchita Kansas. The arena had been financed by the city with a bond issue. It basically was a recreational area with three ice pads, rather than spectator area. One of the ice pads was an olympic size pad with seven hundred seats. With the proposed plan for Fayetteville, he would have two ice pads. With two pads, he would get additional conventional and trade show space and could use different sports. It also allowed him to have tournaments.

Mr. Davis asked if he had a copy of a feasibility study they had done for another location. He questioned what the product was.

Mr. Akerley replied he did and he would not give one to them because it was confidential, until these things became public. He had three copies of studies. One done by them and two done by other well known firms. He recognized the fact their numbers would have to be reviewed when they went for financing. The difference between his numbers and the other firms numbers was that he had to live by his numbers for a very long time and the others did not.

In response to questions from Alderman Davis, Mr. Boychux stated they were looking at approximately 60-65 feet in height of the arena. He thought most of the hangars in the area would be taller than their building. The preferred way to do it was to bring the audience into the building at ground level. The best way to do that is to put the building 13-14 feet into the ground. Even if the ground would not allow them to go down very far he did not believe it would be an issue in terms of the flight patterns.

Alderman Austin asked if the feasibility study would only focus on this site or would there be other sites.

Ms. Little stated they would look at other sites, but the airport site offered so many advantages. They did have investors who were looking for the greatest return on their investments. In other locations, the land for the arena have been a gift. The developers had made it very clear that public support was vital, so there would be a lot of public input.

Alderman Trumbo asked what type of control would there be on what was being shown in that facility or would there be any.

Ms. Little stated they had not talked very much about that. One way the lease could work would be for the land to be leased to the Public Facility Board. The Public Facility Board would lease to the management of the facility and at that point there could be a provision that each event be approved by one or other of those bodies. She thought this was a way to address that. It was something they needed to keep in mind with their lease agreement.

Alderman Trumbo asked if they were going to serve alcoholic beverages in the facility.

Ms. Little replied they were planned to be served. She reminded them that they had served alcoholic beverages in the terminal before when it operated as an airport. It was one of the revenue streams for the facility.

Alderman Russell asked if there would be a feasibility study done by a firm without a financial interest.

Ms. Little stated they had revised the agreement and had added a feasibility by another firm.

Alderman Santos stated it sounded too good to be true. He thought there should be some public input. He suggested it be left on the first reading to allow time for more public input. He stated he was opposed to waiving the competitive bidding for the study.

Alderman Daniel stated she thought it needed to be moved. She stated she was willing to take the responsibility for voting on it. The A&P commission had met on Monday, and there had been no objections. They thought it was a positive thing. She asked how a delay would affect the project.

Ms. Little replied they had been working on this for about six months. The developer was wanting to have the first hockey game next fall. They were ready to move forward. She added the people had come from Columbia, Missouri; Phoenix, Arizona and Canada.

Mr. Greaves stated they were not looking for money from the public for the development of the arena. They were asking the city to keep up with their aggressive business plan. They intended to share this project with the community. 2001 is coming quickly and they need to get started.

Alderman Trumbo noted the council spent $125,000 on the library for them to do their study. This was different in his mind because it was a municipal owned airport which was losing $300,000 per year. He thought they needed to try and pursue this. He thought they were up to approximately a million dollars on the wastewater facility plan. There is a cost to doing business.

Alderman Davis stated they were going to become more aggressive in the marketing of the airport.

In response to questions, Ms. Little stated Barn Hill Arena was not used often because it was not large enough to attract the size of crowds the artist wish to attract. Mr. Akerly made them aware that because their company was so large there was a way to schedule with the artist so that events could be scheduled in Fayetteville because it was part of a package. She had verified this with the industry in Nashville.

Alderman Austin asked what the $200,000 would mean to them.

Mr. Greaves stated it would mean that the community was behind them. They would not have ownership of the facility. They were involved in the engineering and design of the facility should it go forward.

In response to questions from aldermen, Mr. Akerly stated he was not in the business of feasibility studies. He was in business. He was not asking the council to pay him money to do a study. He was asking them to form a venture with him to execute the project. If the project was a no go, the study would be theirs. The city would get what he got.

Ms. Sandy Walker, an area resident, presented information on their hockey league. They were very excited about the possibility of the arena. She was concerned that they would not see anything this progressive in Fayetteville. There were many families in the area interested in hockey. Many of them traveled to Tulsa and little Rock to participate in these games. She stated she would like to see the money kept here. With a facility like this they could keep their kids at home and bring other people here.

Mr. Randy Zurcher, an area resident, asked why the citizens should pay for a feasibility study for private development. He also asked how this would enhance the quality of life in south Fayetteville. He asked if some of the profit could be used for community development within the city. He asked them to hold public hearings.

Ms. Little stated she was not in a position to recommend leasing the property. She thought it was worth it to the city to get some better answers and data to answer those questions. Life around Drake Field was not the same as it had been a year ago. This project would be a catalyst for things that needed to happen in south Fayetteville. She thought it would also be good for Drake Field. She did not know if they could put some of the money into a community fund.

Don Grimes, an area resident, thought if they were to open this facility, that there would be people pouring into the south of Fayetteville. He thought this was the best thing that could happen to south Fayetteville. It would be a dream come true. He thought the $200,000 was a minimal investment.

Mr. Charles Wallace, Airport Board, stated he was an advocate for a strong airport. He hoped the project was as positive as it appeared, but was moving too quickly. He questioned the affect the project would have on the airport and where the profits would go. He stressed the importance of a strong airport.

Mr. Dan Coody, an area resident, stated he was not opposed to the idea of an ice arena, but questioned the location of the facility and suggested moving closer to the center of town to make it more accessible to students.

Ms. Little replied they expected to add additional parking. The cost would be borne by the developer. They were hoping to utilize some of the public transit.

Ms. McKinney, an area resident, stated she was opposed to an ice arena on Drake Field. She asked if the pilots wanted the arena. She urged others to call their aldermen and let the decision of the council be the public's decision rather than their own personal decision.

Mr. Kenneth Shawso, a business owner at airport, stated Fayetteville needed to progress and they needed a good plan to do this. He thought the arena was a good thing, but did not want to see general aviation suffer for it. He suggested making more improvements to the airport to help market it.

Ms. Cramer, an area resident, asked if there would ever be passenger facilities again.

Alderman Russell thought it might be a possibility in the next thirty years.

Alderman Trumbo stated they wanted to keep the facility nice and well kept in hopes in bringing some passenger aircrafts back.

Mr. Cary Arsaga, an area resident, saw that there were a lot of advantages to the arena. Most aviation airports seemed to operate at a financial loss. He thought this could be a good revenue generator for the airport. A hockey arena had the ability to attracting more businesses to the area. He thought it could enhance the chances of attracting aviation. He noted the excellent access to the airport and it would not be dumping traffic into already congested areas in Fayetteville. An arena was a type of building that was already at the airport. It would build an asset on the south side of town. It was also the type of facility that could complement the Town Center by providing a larger show place. He was surprised at the wide support for a hockey arena. There was support for the facility. He thought it was a good facility to go ahead with. He was in favor of spending the money for the feasibility study.

Mr. Rick McKinney, an area resident, stated he did not represent the airport board tonight. He questioned if Drake Field was the best location for the arena. He did not believe the airport had been marketed to it fullest extent. He expressed concern about spending the money out of the airport fund. He asked them to use some money out of the general fund. He asked the council to move forward slowly to think about how it will affect the airport.

Mr. Jeff Erf, an area resident, asked if they approved this tonight, if it would come before the council again.

The aldermen replied it would come back before them with the lease agreement.

Mr. Erf noted the Chamber of Commerce was not present tonight and wondered if they had been consulted and if they were in support of the arena.

Alderman Davis stated he had attended a meeting at the Chamber last week and no one had objected to the arena.

Alderman Reynolds suggested using $100,000 from general fund and $100,000 from the airport fund.

Mayor Hanna thought it would complicate things more. He stated they were committed to making Drake Field into a general aviation airport. If this did not work out they were going to get down to supporting them. He had not been involved in the early stages of this. No one had ever wanted to neglect Drake Field. He thought they had a project that was going to go and the city would be reimbursed.

Alderman Austin moved to suspend the rules and move to the second reading. Alderman Trumbo seconded the motion.

Alderman Young noted there was another part to the request and that was changing the Facility Board. He thought that was more important than the arena. He questioned funding private development.

Mr. Rose responded the ordinance before them to change the purpose of the board contained two provisions. One was for the recreation and tourist facility and the other was for residential apartments for persons of low income. It was allowed by the statute for the purpose of the facility board. They were not limited to non-profit organizations unless the council chose to make them that way. There was a Greensfields Common Apartment complex that was what it was about. It would be used to fund low and moderate income housing. It was legal to do something. He explained this was only one method of financing. The actual method of financing had not been selected. It was up to the developer. This was the only way in which it could be done. He was trying to distance the City of Fayetteville as much as possible from any bond issue or any possibility of risk or loss. He intended to do this by limiting the city's liability for any proposed bond issue, thru the Public Facility Board. It was a statutory and independent board set up by statute and authorized by the City Council. Once they were set up they were responsible for their own action. He read the statute regarding the Public Facility Board. The way it was structured now, the only thing the city had at risk was the $200,000 they were being asked to offer and the possibility of the lease of some land at the airport. That was their total risk.
Alderman Davis noted this was similar to the way Butterfield Trail Village was developed.

Alderman Russell stated there was overwhelming support for the multi-purpose arena. He hoped they would stay in Fayetteville, however, there was some division on whether to use the airport. He questioned the possibility of Drake Field ever being a passenger facility again.

Mr. Dale Frederick, Airport Manager, stated the project would not impact present operations or any forecasted operations. What he knew about the project today, it would not impact the air traffic.

Upon roll call the motion failed by a vote of 5-3-0. Young, Santos, and Russell voting nay.

ORDINANCES WERE LEFT ON THE FIRST READING.

MALLY WAGNON ROAD
An ordinance approving a cost share and bid waiver in the amount of $26,380.00 with James Martin for the cost difference to construct a two inch water line and an eight inch water line along Mally Wagnon Road.

Mr. Rose read the ordinance for the first time.

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

Mr. Rose read the ordinance for the second time.
Alderman Davis stated he thought it was a good investment for the city to install an eight inch rather than a two inch. He stated he would make the same comment on the next item.

Alderman Santos added it was an investment in future profits of developers. Both were good examples of why they needed an impact fee ordinance. When the future developer came in he would have to pay for his fair share of the infrastructure.

Mayor Hanna stated it would accomplish something they needed now. It would increase the water pressure there now, which would help fire fighting capabilities of already developed areas.

Alderman Austin moved to suspend the rules and move to the third and final reading. Alderman Trumbo 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 motion carried unanimously.

ORDINANCE 4224 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

SUMMERSBY SUBDIVISION
An ordinance approving a cost share and bid waiver in the amount of $33,205.00 with Mark Foster and J.B. Hayes, the developers of the Summersby Subdivision, for the cost difference to construct an eight inch water line and twelve inch waterline within this development.

Mr. Rose read the ordinance for the first time.

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

Mr. Rose read the ordinance for the second time.

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

ORDINANCE 4225 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

SIGN ORDINANCE
An ordinance amending Chapter 151 of the Code of Fayetteville to define and provide for the regulation of monument signs; and define and clarify the use of joint identification and area signs.

Mr. Rose read the ordinance for first time.

Alderman Austin stated the ordinance had been before the Ordinance Review Committee and they had unanimously approved it for recommendation.

Alderman Santos stated it was an incentive for people to use monument signs rather than pole. They were exchanging size for type. They were going to let them have larger signs if they would make it a monument sign on the ground rather than a pole sign.

Alderman Austin 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.

Alderman Davis moved to suspend the rules and move to the 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 motion carried unanimously.

ORDINANCE 4226 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

SOLID WASTE EXTRA TRASH BAGS
A resolution requesting the Director of the Solid Waste Division to consider the possibility that citizen will not have used their full allotment of 104 - 30 gallon trash bags in his proposed revision of solid waste collection structure for the year 2001.

Alderman Russell stated his point with the resolution was to make people aware that they were considering a financial incentive for citizens who have used less than their allotted amount. He wanted citizens to be advised to use their bags wisely.

Alderman Santos stated he would like to table this item. He stated the Environmental Concerns Committee would be discussing it in March.

Mayor Hanna thought the Environmental Concerns Committee needed to have a public hearing after the program had been in affect for six months.

Alderman Santos moved to table the resolution. Alderman Davis seconded the motion. Upon roll call the motion carried unanimously.

THE ITEM WAS TABLED.

Meeting adjourned at 8:35 p.m.