MINUTES OF A MEETING
OF THE
FAYETTEVILLE CITY COUNCIL
MAY 18, 1999

A meeting of the Fayetteville City Council was held on May 18, 1999 at 6:30 p.m. in room 219 of the city Administ5ration Building, 113 West Mountain Street, Fayetteville, Arkansas.

PRESENT: Mayor Hanna; Aldermen Reynolds, Austin, Davis, Trumbo, Daniel, Santos, Young, Russell; City Attorney Jerry Rose; City Clerk Heather Woodruff; Staff; Press; and Audience.

ITEM	**ACTION TAKEN**	
Minutes	Approved	
Caudle Property	Approved	Res. 69-99
Sunray Services	Approved	Res. 70-99
Boardwalk Addition, Phase 3	Left on first reading	
Drainage Improvements	Tabled	
Tobin Trust	Removed from agenda	
VA 99-6	Passed	Ord. 4162
RZ 99-7	Passed	Ord. 4163
RZ 99-9	Passed	Ord. 4164
RZ 99-10	Passed	Ord. 4165
RZ 99-11	Passed	Ord. 4166
First Night	Approved	Res. 71-99
Library Presentation	No action taken	
Bakery Feeds	Motion to join in lawsuit	
No Tax Increase	Failed	

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CONSENT AGENDA

MINUTES
Approval of the minutes from the May 4, 1999 minutes.

CAUDLE PROPERTY
A resolution authorizing the Mayor and City clerk to enter into documentation for the sale of the remainder (1.5 acres) of Caudle property, located at 295 S. Crossover Road, to Eastside Missionary Baptist Church for a purchase price of $17,400.00. The subject property was originally purchased by the City for Highway 265 right-of-way purposes.

RESOLUTION 69-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK

SUNRAY SERVICES
A resolution approving Amendment Number 3 to the contract with Sunray Services, Inc. to transport and dispose of municipal solid waste and for operation of the City's transfer station.

RESOLUTION 70-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK

OLD BUSINESS
There was no old business.

NEW BUSINESS

BOARDWALK ADDITION, PHASE 3
An ordinance authorizing the City Attorney to seek possession of certain land located south of Boardwalk Addition, Phase 3 and west of Highway 265 (Crossover Road) in the City of Fayetteville, Arkansas by the power of eminent domain, in association with the required

easements for the Londonderry Drainage Improvements. Such property owned by Nancy Witt Lewis and Robert Lewis. Contingent upon the City Council also approving Bid 99-49, Drainage Improvements for Boardwalk Subdivision.

Mr. Rose read the ordinance for the first time.

Mayor Hanna stated the attorney for the Lewis' had asked for the council to leave the ordinance on the first reading to allow them more time to negotiate.

Alderman Trumbo stated he would abstaining because the Lewis' were financial clients of his.

There was no public comment.

Mayor Hanna stated the ordinance would be on its second reading at the next meeting.

DRAINAGE IMPROVEMENTS
A resolution approving a construction contract and project contingency for the construction of the proposed Drainage Improvements to Boardwalk Subdivision and Ridgely Manor Drive Area, and approval of a budget adjustment to fully fund the project. Establishment of off-site assessment for future developments which utilized the proposed drainage improvements.

Mayor Hanna stated this resolution was tied to the previous item, so they would have to table the item until the first issue was settled.

TOBIN TRUST -COURT ORDERED POSSESSION
Mayor Hanna stated the item had been removed from the agenda, because the issues had been taken care of.

VA 99-6
An ordinance for VA 99-6 vacating a utility easement located at 3385 Natchez Trace as requested by Keith and Yvonne Burns for a specified portion of an alley located to the south and east of Lot 11, Savannah Estates Subdivision, Phase 1.

Mr. Rose read the ordinance for the first time.

Mr. Dave Jorgensen, representative, asked if the council could have all three readings tonight.

Alderman Davis moved to suspend the rules and go to the second reading. Alderman

Trumbo seconded the motion. Upon roll call the motion carried unanimously.

Mr. Rose read the ordinance for the second time.

Alderman Santos moved to suspend the rules and go to the third and final reading. Alderman Daniel 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 4162 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RZ 99-7
An ordinance rezoning request RZ 99-7 submitted by Neal Pendergraft for property located east of 2680 Joyce Street. The property is zoned R-1, Low Density Residential, and contains approximately 4.98 acres. The request is to rezone the property to R-O, Residential Office.

Mr. Rose read the ordinance for the first time.

Mr. Neal Pendergraft stated he was the owner of the property along with his sister, Lori Mason, Mr. Mike Hill and Mr. David Johnson. He referred to a packet of information he had prepared for the aldermen and gave a history of the property when it was rezoned the first time. The property owners next to this property had no objections to the rezoning. The property was not conducive to building large single family homes. With R-1 zoning they could build 15 to 18 small homes. To do so would damage the value of Dr. Smith's home and increase more traffic. He stated no potential buyer had looked at his property for a single family property or any type of residential use. He personally did not believe that a group of small homes in the area would do any of the property owners any good. He requested that they approve his request for a rezoning.

Alderman Daniel agreed that R-O was appropriate.

There was no public comment.

Alderman Austin moved to suspend the rules and go to the second reading. Alderman Daniel 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 go to the third and final reading.

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

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

Alderman Young stated he had looked at the land use plan, which called for office space. He would follow that plan.

Upon roll call the ordinance passed unanimously.

ORDINANCE 4163 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RZ 99-9
An ordinance rezoning request RZ 99-9 as submitted by Alan Reid on behalf of Greta Smith for property located at 1755 and 1939 Hoot Owl Lane. The property is zoned A-1, Agricultural, and contains approximately 5.45 acres. The request is to zone the to R-1, Low Density Residential.

Mr. Rose read the ordinance for the first time.

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

Mr. Rose read the ordinance for the second time.

Alderman Young moved to suspend the rules and go to the third and final reading. Alderman Reynolds 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 4164 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RZ 99-10
An ordinance rezoning request RZ 99-10 as submitted by Glen Carter on behalf of Mark Foster for property located at 4786 North Crossover road. The property is zoned A-1, Agricultural, and contains approximately 8.97 acres. The request is to rezone the property to R-O, Residential Office.

Mr. Rose read the ordinance for the first time.

Alderman Young stated he would be voting against the rezoning because the Land Use Plan did not show this as Residential Office.

Mr. Conklin stated the R-O classification had been used in numerous other subdivisions in Fayetteville along principle arterials. Approximately eight other subdivisions had an R-O zoning in the front of the subdivision to provide a buffer between the street and the single family homes.

He gave David Lyle, Deerfield, Meadowlands, Magnolia Crossing, Walnut Grove, Willow Springs, and Owl Creek Subdivisions as examples of the property that had been zoned to R-O or C-1.

Alderman Daniel expressed concern about traffic.

Mr. Conklin replied he had visited the site at 3:00 p.m. He thought the traffic had been flowing at a service level of approximately 45 mph. There was no traffic congestion. The city land use plan did encourage residential uses to be accessible to commercial and other types of uses and not to separate all the different land uses where they were only accessible with a vehicle. The general plan did recommend this type of zoning. The city had done this type of zoning in other subdivisions.

Alderman Russell questioned the staff recommendation on R-O being compatible with residential.

Mr. Conklin replied the city approved R-O zoning under the assumption that it is consistent with the land use plan. The R-O zoning allowed Single Family Homes, Duplexes, Professional Offices, Studios and related services as a use by right. Office use adjacent to resident use is compatible.

Alderman Austin stated he would be supporting the rezoning.

Alderman Davis noted the next item was for the property adjoining this one. He asked the number of residential houses that would be constructed.

Mr. Conklin stated the developer was proposing 119 lots.

Alderman Russell thought the argument not to put residential next to a major highway made a lot of sense to him. He questioned the configuration of the rezoning.

Mr. Glenn Carter, representative, explained a portion of the property was in the flood plan. The portion that was not in the flood plan would be used for a sewer lift station that would be deeded to the city. A lift station would have to be put in to provide sewer for the development. Part of the property was zoned R-1 and there might be a lot where the back of the lot extended to it, but the house would be located near the street front. He explained the street would come through the R-O zone then into the subdivision. There would be no street coming out in the R-1 area. There would be no houses built along Crossover.

Alderman Daniel asked why they were requesting R-O rather than some kind of commercial.

Mr. Carter replied he did not feel that commercial would be appropriate next to a residential area. It was residential office, which they felt would be an appropriate buffer between the traffic on the highway and the residential. The owner planned to have a fence separating the R-O from the R-1. He thought it would be a safer R-1 district with some type of buffer between them. He did not think commercial would be appropriate.

Alderman Davis thought this type of zoning had a very positive effect and he liked the idea.

Alderman Reynolds asked if the application was complete.

Mr. Conklin explained the property owners had signed the applications. There had been an issue of one of the property owners not signing the application. They had signed the application prior to the Planning Commission meeting.

Mr. Lamar Pettus stated he favored the R-O zoning up front and preferred for them not to construct homes on Crossover. He encouraged approval of the next zoning petition, RZ 99-11.

Alderman Austin moved to suspend the rules and move to the second reading. Alderman Davis seconded the motion. Upon roll call the motion carried by a vote of 7-1-0, Young voting nay.

Mr. Rose read the ordinance for the second time.

Mr. Santos moved to suspend the rules and go the third final reading. Alderman Davis seconded the motion. Upon roll call the motion carried by a vote of 7-1-0, Young voting nay.

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

Mayor Hanna called for the vote. Upon roll call the ordinance passed by a vote of 7-1-0, Young voting nay.

ORDINANCE 4165 AS RECORDED IN THE OFFICE OF THE CITY CLERK

RZ 99-11

An ordinance rezoning RZ 99-11 as submitted by Glen Carter on behalf of Mark Foster for property located at 4786 North Crossover Road. The property is zoned A-1, Agricultural, and contains approximately 48.26 acres. The request is to rezone the property to R-1, Low Density Residential.

Mr. Rose read the ordinance for the first time.

Alderman Russell moved to suspend the rules and go to the second reading. Alderman Trumbo 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 go to the third and final reading. Alderman Reynolds 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.

ORDINANCE 4166 AS RECORDED IN THE OFFICE OF THE CITY CLERK

FIRST NIGHT

A resolution authorizing a request for funding for First Night of Fayetteville, a non-profit organization, for $12,000 to fund the Fayetteville Millennium Celebration.

Alderman Daniel stated she was a member of the board, but did not stand to benefit financially and would be voting.

Alderman Trumbo also stated he was a member of the board.

Mayor Hanna asked Alderman Trumbo and Alderman Daniel if the organization had any method in place that the bills were presented to the city.

Alderman Trumbo explained that last year was their first year and they had learned a lot of lessons.

Mayor Hanna stated this was the big year and he did not want anyone to criticize the way it was handled.

Alderman Santos stated he would like to see the event go to more corporate sponsorship and private funding, but the city needed to help get it off the ground.

Mr. Lamar Pettus stated he was philosophically opposed to the city using general tax money to pay to non-profit or private corporations. He thought it was a good project, but the funding should come with the requirement that this organization or any other organization that receives tax money should open all their records pursuant to the Freedom of Information Act. He asked if this organization had requested money from the Advertising and Promotion Commission. He thought this should be funded by the A&P funds rather than general tax money.

Mayor Hanna replied the organization had received a grant from the A & P Commission. He thought Mr. Pettus had some good points. He stated the city had been working on things to keep the city's youth out of trouble. He did not think the city could have afforded to organize something like this.

Mr. Pettus thought the organization should be open to public view under the Freedom of Information Act.

Alderman Trumbo stated this year the organization would have a review done by an accounting firm for the finances.

Alderman Russell suggested adding a section to the resolution requiring that the accounting records for First Night would be subject to the Freedom of information Act and subject to viewing by the public.

Mr. Rose read the amendment.

Alderman Austin moved to amend the resolution. Alderman Young seconded the motion. Upon roll call the motion carried unanimously.

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

RESOLUTION 71-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

LIBRARY PRESENTATION
A presentation of the general financing plan for Fayetteville Public Library expansion.

Ms. Lorraine Brewer, Library Board, presented some of the board's recent work on the proposed library. She covered the general financing plan for the new library and the general goals for the library. She listed the next steps for the new library. They needed to determine the best funding mix by which the citizens of Fayetteville could support the construction of the new library building and select a building consultant and design team for a pre-funding design. They needed to seek the council's approval for an underwriter and bond counsel. They were currently working on an agreement with the Washington Regional Board of Directors for the acquisition of the land at the proposed site. The cost estimate for the 90,000 square foot building and the parking for 212 cars was estimated to cost $22.2 million dollars. The estimate was based on three assumptions: (1) that the design process would start in the fall of 1999, (2) that the construction would begin the spring of 2001, and (3) that the library would be completed by the fall of 2002. There were three potential funding sources for the project: local public funding, state public funding and private sources. She discussed some details for each type of funding. The board was considering the possibility of hiring a professional fund raiser to consult with them. She presented a draft of the next step in the process with a flexible time frame. She requested the council to work with them on the following: approval for selected building consultant and design team, bond counsel, and underwriters.

Alderman Russell asked if the 22 million dollars included the books.

Ms. Brewer replied it included the opening day collection.

Mr. Thomas stated the price included the new computers and everything. They had figures for each function.

Alderman Daniel stated the library was more of a civic center now. She thought there would be many activities there. She thought the community needed a good and adequate library.

Ms. Brewer added one of the services the library could provide would be to help the people learn the new technology and to learn what information was available to them.

Mr. Thomas stated Seattle, the home of Microsoft Corporation, had the highest circulation of any library in the country.

Alderman Young asked if the sales tax would be an additional sales tax or out of the current capital improvement tax.

Ms. Brewer replied some communities did use sales tax in combination with property tax. She thought they as a city had decided that was not the direction they wanted to go.

Alderman Trumbo thought the next six months would be very interesting because of all the upcoming issues for taxes.

Alderman Austin stated they had a very good report. He stated he supported the library. He thought they should consider the sales tax as part of the funding because he knew that a lot of people outside the city of Fayetteville used the library.

Alderman Santos hoped they could do the funding with property tax, because sales taxes were unfair and aggressive.

Mr. Pettus noted there were fifteen libraries in the city of Fayetteville not counting the city library. He thought they had some of the best resources for libraries anywhere in the state of Arkansas. He thought computers were going to replace books. He stated he was going to oppose any increases in millages on property for any reason. There were two proposals heading toward the ballot for the year 2000. If either of the two passed they would do away with any taxes based on real property. They would not be serving the public if they were getting into a 22 million dollar project, then have to figure out how to fund it in December of the year 2000. He encouraged them to go for the sales tax or to first seek private support or grants from the state and federal government. He thought the city needed to pass some priorities. They were going to be asked to pass bonds to build a jail, a sewer treatment plant, and a town center. There was only so much the citizens could handle. He hoped they were not going to use general tax money to support the town center. He suggested the library should become part of the town center. He did not want to oppose the library, but he would if it imposed another property tax.

BAKERY FEEDS
Discussion of whether or not the city of Fayetteville should join a lawsuit against Bakery Feeds as a public nuisance.

Mr. Rose explained the city was being asked to intervene the lawsuit of the neighbors of Bakery Feeds. The intervention would be in federal court. It was likely that they would make a motion to intervene. The complaint would then be amended to allege public nuisance as well as private nuisance. Mr. Evans wanted to be the first chair in this case. He would be the lead attorney and would devote more energy than his department. It was also his understanding that Mr. Evans would not ask the city for cost or recovery money. He passed out the petition to abate a private nuisance with was what they were being asked to intervene. He stated his advice to them would always be to be very conservative. They would rarely see him be a drum major for litigation. He was convinced that the decision to sue individuals should be rarely and uniquely made for a city, unless there were violations of city ordinances or laws. It had been a very rare occurrence that the city started lawsuits other than condemnations. There were a lot of groups that would like the city to join them in litigations. He thought there would be many people in the future that would ask them to participate in litigation in the future. He gave his past recommendations and advice to them which had been to wait for the report from the Health Department before doing anything or contemplating filing a suit. Since that time the neighbors had filed suit as a private nuisance. Their filing suit changed a couple of things. It changed the timing. If they were going to file suit as a public nuisance, now was the time to do it. If they waited, then they were in danger of having it litigated without them being a part of it. He did not think their participation in the suit had much legal significance. The difference between a public and private nuisance was only a difference in size and extent. Most of the proof could be put in without them. However, they did add some legal assistance. There was a perceived moral or psychological advantage of having the city participate in the suit, which was important for these individuals. They currently had two lawsuits going on with Bakery Feeds. One was in Circuit Court which was an appeal of the Planning Commission's decision to turn down their conditional use permit. In addition the city had filed suit that they were in violation of their zoning ordinance, which was in Chancery Court. In addition to that there had been approximately five violations of the city's noise ordinance which was going through Municipal Court litigation.

In response to questions from Alderman Davis in regards to cost to the city, Mr. Rose replied it was hard to give a figure on the cost. If he were alone in the case the figure would be between five and ten thousand dollars and his time and energy.

In response to questions from aldermen, Mr. Rose stated there was every possibility that a jury trial would be requested and would occur.

Alderman Trumbo thought the lawsuit had merit, but he did not believe the city should join this lawsuit.

Alderman Austin stated they had made this decision already and he did not know of any facts that would cause them to make a different decision.

In response to questions, Mr. Rose stated the city had declared River City was a nuisance by referendum, but no lawsuit was ever filed.

Alderman Young stated because the citizens had filed a lawsuit everything was before the courts at the same time. That was why he was in favor of joining the suit. If they did not join the suite now it would be too late.

Alderman Trumbo stated he thought this was two separate issues, the public nuisance and operating in the improper zone.

Alderman Russell stated that the city's participation would increase the citizens chances of winning the lawsuit. There had been violations of the noise ordinance since they had discussed this the last time. They had been sited five times for violations of the noise ordinance.

Alderman Trumbo thought Mr. Rose was reluctant to file a nuisance law suit.

Mr. Rose stated his last advice to them was that nuisance suits were difficult to prosecute. His advice had been to wait for the health department report before doing anything. What had changed had been the noise violations and the fact that the neighbors had filed a private lawsuit.

Alderman Reynolds stated the people who lived in the area had a legitimate complaint. He thought they should do every thing they could to help them with their problem. They were citizens and they were there to represent them.

Mr. Dale Evans, citizen attorney, stated the citizens had pooled money to fund a lawsuit. They had committed themselves to spend five thousand dollars. They were going to spend the money on cost. He asked the city to support the citizens on the other side of town and to treat all the citizens with respect. There was a legal distinction between a public and a private nuisance. A public nuisance affected everyone.

Mr. Rose explained they had to make a decision now if they wanted to join the lawsuit. If they waited it would be too late.

Alderman Trumbo stated he did not believe the residents should have to pay five thousand dollars, and that the city should come to the table and help defray some of the cost on something that was a problem for all the city.

Alderman Daniel moved to authorize Mr. Rose to intervene in the public nuisance lawsuit on the condition that Mr. Evans not ask the city for any financial support. Alderman Reynolds seconded the motion.

There was no public comment.

Mr. Rose stated the city would continue on with the appeal of the Planning Commission decision, and with the proceedings to remove them from an improper zone. Those cases would continue. Mr. Evans would be first chair in the private/public lawsuit.

Mayor Hanna called for the vote. Upon roll call the motion carried unanimously.

NO TAX INCREASE

A resolution prohibiting the consideration of tax increases by the City Council until the Wastewater Treatment issue has been put to a vote of the public.

Alderman Austin stated he had submitted the resolution for their consideration. He thought it was the right and the prudent thing to do. They had a big decision to make for the city on the wastewater treatment issue. He stated the resolution was not to target any program or project that was in the formative stages.

Alderman Trumbo stated it was his understanding that they still had to allow within a reasonable amount of time a vote for a bond issue and/or they could get a petition to bypass the council.

Mr. Rose explained Amendment 30 allowed a vote on bond and millage for a library upon a petition by 100 citizens in the city. They were then to set an election.

Alderman Austin thought the resolution would move the wastewater treatment plant up to the level it needed to be to have it dealt with.

In response to questions, Mr. Crosson stated it would be spring of 2000 before they were ready for an election on the bond issue for the wastewater treatment plant.

Alderman Santos stated if the treatment plant was funded with impact fees then it would not require a vote on the bond issue.

Mr. Rose replied he did not know if impact fees would support a bond issue.

Alderman Austin stated he was not in favor of anything that was not run before the public.

Alderman Young stated he would not be in favor of revenue bonds, but he would not be in favor of it because they would not have to go before the public.

Mr. Rose explained in order for a revenue to support a bond issue it had to be of a reasonable, certain and consistent amount.

Mr. Crosson stated they were talking about a 60 to 70 million dollar bond issue. They were still in the process of formulating a combination of a number of different financing sources. They had discussed using impact fees because a former alderman had been interested in that approach.

Alderman Reynolds stated the next year would be hard. There was a vote for the town center, sewer plant, library, and youth center. He wanted the sewer first, then the library.

Mr. Crosson advised they did not want to prematurely approve their bond issue before they were ready to start construction.

Mr. Santos thought they would be getting in the way of the library.

Mr. Venable stated the construction index went up daily.

Alderman Austin stated as long as the costs were going up, it indicated we were living in a healthy economy.

Alderman Austin moved to amend the resolution to include descriptive words of the tax increase.

Mr. Rose read the amendment to the resolution.

Alderman Russell seconded the amendment.

Mr. Pettus commended Alderman Austin for presenting the resolution. The citizens were tired of being taxed. He paid 70% of the earnings he made in some form of taxes. He was tired of one tax being added to another. They were added one penny and half a mill at a time. He felt they needed to be removed at that rate. His real estate taxes had gone up over 30% in the last five years. He supported the resolution.

Mr. Steve Singleton, Library Board, stated he did not enjoy paying property taxes, however, any tax decision was in the hands of the voters. They were hoping to have the support of the City Council. Even though they would not be legally permitted to call an election, they wanted the moral support of the council. He asked the council to leave the decision up to the voters of Fayetteville.

Alderman Santos added the issue could still be put before the people without the council support.

Mr. Singleton replied they could legally go before the voters, but not without the support of the elected representatives of the city of Fayetteville.

Alderman Santos stated he was supporting both this resolution and the library.

Alderman Austin asked what the urgency of the library was.

Mr. Singleton replied they wanted to go forward to not lose the momentum they had gained.

Alderman Santos clarified the resolution only stated the sewer plant was the city's number one priority. It should not have any interference with the library's schedule.

Alderman Austin stated the resolution was intended for the purpose of holding everything, until they were able to get the sewer plant settled in the public's mind.

Ms. Schaper, Library Director, stated the Library Board would need to come to council for them to make several decisions: (1) the approval of the bond counsel, (2) approval of the underwriter, and (3) approval of funding for the design team. They could not go forward without the pre-funding design they could present to the public for a public vote or to potential private givers. She asked if this resolution was approved would they be willing to go forward with the project.

Mr. Rose replied if it did not increase the taxes, then no. It could be used as an argument for them not to approve the funding for the library. It did not bind them.

Ms. Schaper stated they had also worked closely with the council on the timing. They had worked in good faith up to this point. They needed to move for ward with the design.

Alderman Austin stated the purpose of the resolution was to take all projects that were going to raise taxes and put them after the big issue of the sewer plant. He had made the request for them to put it off until the sewer plant.

Mr. Pettus stated that when the library board bond was approved, it would be by state law. The bond issue would have a paragraph in it that stated the city would not reduce or repeal the tax until the bonds are paid in full. It was in every bond document. He did not think the ordinance would prevent the council from doing everything the library would ask them to do.

Mayor Hanna called for the vote on the amendment. Upon roll call the motion carried by a vote of 6-2-0, Santos and Daniel voting nay.

Alderman Austin moved to approve the resolution as amended. Alderman Reynolds seconded the motion. Upon roll call the motion failed by a vote of 2-6-0, Santos, Young, Russell, Davis, Trumbo, and Daniel voting nay.

Meeting adjourned at 8:50 p.m.