MINUTES OF A MEETING
OF THE
CITY COUNCIL
MARCH 5, 2002

A meeting of the Fayetteville City Council was held on March 5, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

PRESENT: Mayor Coody; Aldermen Davis, Santos, Jordan, Reynolds, Thiel, Young and Trumbo; Interim City Attorney, Kit Williams; City Clerk, Heather Woodruff; Staff, Press, and Audience.

CONSENT AGENDA

APPROVAL OF MINUTES:

BID 01-59: A resolution awarding Bid 01-59 to the lowest qualified bidder, Henard Utility Products, Inc. for Item #1-1 Trailer Mounted Sewer Washer with the authorization to purchase this item in the amount of $28,585.00.

RESOLUTION 31-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

HAY GROUP: A resolution authorizing a contract with the Hay Group for an amount not to exceed $25,000.00 to accomplish the Compensation Analysis Project Steps.

RESOLUTION 32-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

SOFTWARE MAINTENANCE: A resolution approving the annual standard software maintenance agreement in the amount of $22,697.90 with ESRI, Inc. for geographic information system (GIS) software maintenance and upgrades.

RESOLUTION 33-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

CONSTRUCTION MATERIAL: A resolution awarding bids for construction materials utilized by various divisions of the City.

RESOLUTION 34-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

MISSION STATEMENT: A resolution approving the new Mission Statement of the Fayetteville Municipal Airport as approved and recommended by the Airport Advisory Board.

RESOLUTION 35-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

CORPORATE HANGAR COMPLEX: A resolution authorizing the Mayor to sign Task Order #10 with McClelland Consulting Engineers, Inc., and approval of a budget adjustment.

RESOLUTION 36-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

IFWORLD: A resolution approving a contract with IFWORLD, Inc. for Web-Site Design & Construction services. The amount of the contract is $85,680.00 with project contingency of $13,320.00 (15.5%) being requested for total contract price of $99,000.00.

REMOVED FROM CONSENT AGENDA.

WEB-SITE HOSTING: A resolution approving a contract with Southwestern Bell Communication (SBC) for dedicated web-site hosting services. The term of the contract is thirty-six (36) months with two (2) additional twelve (12) month renewal periods. The annual cost of the contract is $17,808.00 with additional approval being requested to increase the contract amount up to the amount of $21,408.00 annually. The 2002 cost of this contract will be $9,388.00.

REMOVED FROM CONSENT AGENDA.

FIRE APPARATUS: A resolution approving a budget adjustment returning $14,593.02 to the Fire Department's Operations Budget.

RESOLUTION 37-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

DRUG TASK FORCE GRANT: A resolution authorizing the application for a grant from the Department of Justice. This grant will be used to continue the funding for the Fourth Judicial Drug Task Force. The City's matching funding requirement for the grant will not exceed the $50,000 included in the 2002 Annual Budget.

RESOLUTION 38-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Alderman Davis moved to approve the Consent Agenda with the removal of number 8 and 9. Alderman Jordan seconded. Upon roll call the motion carried unanimously.

STAFF REPORT

I-540 Business Technology Park
Mr. Dumas stated there had been a public meeting last Thursday regarding the park. There had been forty-eight people in attendance. It had been a very positive meeting and they received thirty-two written comments from the participants. There were three types of groups there. Those who wanted

more environmental work done on the project, those who were in favor of the project, but felt that they needed to do more scientific analysis, and the third group being general citizens. The Corp of Engineers and the U.S. Fish and Game were in favor and stated if the continued on the project as they had discussed that they saw no pitfalls. One was very positive that if they continued on as they proposed the Darter would not have to be listed as an Endangered Species.

Alderman Santos asked if they would be having more charetts.

Mr. Dumas stated that they had planned a series, but they had come to a point of closure. He thought that with the presentation that they were at a point in the process that they could define where the conservation area was and the parameters of how they were going to be dealing with the conservation area and the development. The presentation made by EGIS and McClelland adequately addressed both of those issues. There are a lot of other issues that they will have to address, there will be other public meetings, but he thought that they could decide the parameter of the conservation area, the parameter of how they were going to deal with the development area.

Alderman Thiel asked if there had been a representative from the Nature Conservancy there.

Mr. Dumas replied to his knowledge there was not a representative there.

Mayor Coody stated he had spoken with Michael Cure in Little Rock, he had been aware of the meeting and had written him a letter in support of it.

Alderman Thiel stated she thought there would be more than two meetings. What they were discussing was the most critical part of it. There needed to be at least two public meetings regarding this. Not every one could attend. This is the most important issue to establish with the public meetings.

Alderman Jordan asked if they had discussed soccer fields in this area.

Mr. Dumas stated there were about forty five acres to the north of Clabber Creek that is level and would be good for the development of soccer fields.

In response to questions, Mr. Dumas stated there were approximately forty to forty-five acres of wet land that would be mitigated. That meant that those forty to forty-five acres would be prepared for development and there would be other wet lands created in the hundred acre conservation area. There would be no net loss of wet land. They would just be in a different location.

OLD BUSINESS

RZN 02-1.00: An ordinance approving RZN 02-1.00 as submitted by Robert Schmitt for property located at 1140 Hendrix and 1110 Hendrix. The property is zoned R-1, Low Density Residential, and contains approximately 1.36 acres. The request is rezone to R-1.5, Moderate Density Residential. The ordinance was left on the first reading at the February 5, 2002, meeting and left on the second reading at the February 19, 2002 meeting.

Alderman Jordan moved to table the ordinance. Alderman Davis seconded. Upon roll call the motion carried unanimously.

THE ORDINANCE WAS TABLED ON THE SECOND READING UNTIL THE MARCH 19, 2002 MEETING.

CIVIL SERVICE: An ordinance adding two additional members to the Fayetteville Civil Service Commission. This ordinance was left on the first reading at the February 19, 2002 meeting.

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

Mr. Williams read the ordinance for the second time.

Alderman Thiel stated she thought a larger commission would better reflect the increase size and diversity of the city.

Mr. Dominic Swanfield, F.O.P., stated if it was a problem, then they were fine with that. They had originally brought it up in hopes of adding a little more balance to the commission. The current system was fine. They would like to have two more added.

Alderman Davis stated there were problems with a number of committees having enough to create a quorum. He questioned if it would be harder to get a quorum by increasing the number of members.

Alderman Thiel stated if they increased they membership by two, then they would only need one more member for a quorum. They would increase their odds of getting a quorum.

Mr. Williams reminded the Council that in the absence of Alderman Zurcher, it did not change the number of votes required to pass an ordinance. The number of votes required to pass an ordinance or resolution remains five, a majority of the number of whole persons elected to position.

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

Mr. Williams read the ordinance for the third time.

Alderman Davis stated it was always easier to work around five people than it is around seven.

Alderman Reynolds stated he would like to wait another two weeks in order to hear from the public. Mr. Williams stated there needed to be a motion to table.

Alderman Reynolds moved to table. Alderman Santos seconded. Upon roll call the motion carried by a vote of 4-3, Davis, Thiel and Trumbo voting nay.

THE ORDINANCE WAS TABLED ON THE THIRD READING.

NEW BUSINESS

IFWORLD: A resolution approving a contract with IFWORLD, Inc. for Web-Site Design & Construction services. The amount of the contract is $85,680.00 with project contingency of $13,320.00 (15.5%) being requested for total contract price of $99,000.00.

Mr. Kevin Springer, Budget and Research, stated they were trying to have a site designed that would not add additional work to the employees of the city or require additional employees. They had sent out a request for proposal. They had outlined what they wanted the site to do. The proposals ranged from $27,000 to $176,000. The average of all of the cost was $92,000. They had narrowed it to three local firms. The lowest bid could not provide a content management system. Without a content management system they could not have an entry level user update the information.

Alderman Thiel stated she agreed with the concept that each department needed to maintain their own site. The maintenance was the real cost of the web site. She expressed concern that some divisions within the city did not have internet or decent computers. She questioned if they were getting ahead of themselves.

In response to questions, Mr. Springer explained the web site was going to form an umbrella over city services. There were various component that they were adding to it. The Hansen Project was more internal than external. With the web site citizens would be able to report and track problems, pay water bills on line.

Alderman Young asked if this was Mayor Coody's proposal because this was what he pushed for during the campaign.

Mayor Coody stated they were trying to upgrade and become more citizen friendly.

Alderman Davis stated he had not been for this under the old budget, however, this was rollover dollars from last year. He thought it would be an asset to the city.

Alderman Young stated one of the key things to this was keeping it updated. What assurance did the citizen have that they were going to keep it updated?

Mayor Coody stated there would be a person assigned that task.

Gary Halt, Web Site Committee, stated their design was what they needed. It provided the option of updating the web site. They might have found it a little cheaper, but it was not unreasonable. He asked if the City would have the license to modify the scripts if they needed to.

Mr. Springer stated they were not going to have permission to modify the codes, the internal workings of the system.

The representative for IfWorld, explained that they would have the ability to add any component that they wanted to the system. It was a code that they personally write, it was proprietary. If they did not compile it together and make it so that it was not viewable on the internet, their competitors could steal it and use it. It was not to keep it from them, they did own it.

Mr. Williams stated there has been an agreed upon modification to the contract which gave the City more rights and a warranty that they did not have before. There would be a one year warranty for problems that the City did not cause.

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

RESOLUTION 39-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

WEB-SITE HOSTING: A resolution approving a contract with Southwestern Bell Communication (SBC) for dedicated web-site hosting services. The term of the contract is thirty-six months with two additional twelve month renewal period. The annual cost of the contract is $17,808.00 with additional approval being requested to increase the contract amount up to the amount of $21,408.00 annually. The 2002 cost of this contract will be $9,388.00.

Alderman Santos moved to pass the resolution. Alderman Reynolds seconded. Upon roll call the motion carried unanimously.

RESOLUTION 40-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

TRANSPORTING ANIMALS: An ordinance amending Chapter 92 of the Code of Fayetteville to add a definition: to tether and to prohibit transporting animals in the back of pickup trucks unless properly tethered or crated.

Mr. Williams read the ordinance for the first time.

Alderman Thiel stated this issue had gone to the Ordinance Review Committee. This would clarify their existing ordinance. She was going to suggest an amendment to add, "if the sides and back of the pickup are at least forty-six inches high."

Ms. Leann Van Winkle, Humane Society, stated she was speaking on behalf of the ordinance. We needed to take care of our animals. She was not asking people to give up their civil rights, but to take care of the things that make them who they are. This was also a safety issue.

Ms. Sherry Bolstad, Animal Hospital, stated animals did jump out of pickups and cars and they do get hurt. She gave several examples of animals who had jumped out of vehicles and been in accidents.

Ms. Lib Horn, retired Animal Services Superintendent, stated they had drafted a new ordinance in 1992. She thought that they had addressed this issue in that revision. The ordinance before them now addressed the issue. She urged them to pass the ordinance for two reasons: public safety and animal safety. Animal Control was not originally created to protect animals. They were created to protect people. She had worked two cases that involved the death of children. Both could have been prevented. They needed to prevent these incidents. Several years ago a blind man had been attacked by a dog that jumped out of a truck. These things were rare, but they did happen. One death would be too many if they had the means to prevent it. Fayetteville was an animal friendly town.

Ms. Nell Foster, Humane Society of Ozarks, stated she and her service animal had been scared a number of times by animals in the back of trucks. She expressed concern for her service animal as well as the other dog in the vehicle.

Ms. Fran Alexander, an area resident, presented illustrations of dogs in the back of trucks. A fifty pound dog with a truck traveling thirty-five miles per hour, if the dog fell onto a car it would hit the windshield with four thousand pounds of impact. If the same dog traveling at the same speed were to hit an oncoming car traveling the same speed, it would hit the oncoming vehicle with eight thousand pounds of impact. Arkansas State Highway and Transportation reported in 2000, 407 crashes with animals. 130 injuries and 2 fatalities.

Alderman Thiel stated the issue that concerned her the most was people leaving their dogs in the back of trucks in parking lots unattended and untethered. They never knew what was going to cause a dog to jump out of a vehicle.

Mr. Williams stated he did not believe that their existing ordinance would allow them to prosecute that offense, but with this ordinance they would be able to.

Alderman Jordan stated he had been attached a dog in Wal-Mart parking lot.

Alderman Davis asked why Ms. Thiel was wanting to amend the ordinance.

Alderman Thiel stated she thought when farmers came into town with cattle rails they would be able to have their dogs in the back.

Alderman Thiel moved to amend the ordinance to add, "or if the sides and back of the pick-up bed are at least five feet." Alderman Jordan seconded. Upon roll call the motion carried unanimously.

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

Mr. Williams read the ordinance for the second time.

Alderman Trumbo moved to suspend the rules and move to the third and final reading. Alderman Thiel seconded. Upon roll call the motion carried by a vote of 6-2-0, Reynolds and Young voting nay.

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

Alderman Jordan asked how they would be enforcing the ordinance with people just coming through town.

Mr. Williams stated it was his opinion that the police department would be understanding and use their discretion. Although, all citizens were charged to know the law.

Alderman Jordan asked if a collar would work rather than a harness.

Alderman Santos state they were wasting time on an insignificant issue. They had a serious problem with dogs at large. He thought they should be addressing that issue.
Alderman Thiel stated that was a problem, but stated they should be proactive rather than reactive. They should have the laws, then work on enforcing them and working on the problems. All it would take would be for one child to get killed.

Alderman Thiel moved to amend the ordinance to add, "or collar". Alderman Trumbo seconded. Upon roll call the motion carried by a vote of 6-1, Reynolds voting nay.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance failed by a vote of 4-3, Santos, Reynolds, and Trumbo voting nay. Mayor Coody refusing to vote.

Mayor Coody stated he thought that they did need to focus more on animals at large. He did not agree with the idea that they need to put an ordinance on the books even if they can't enforce it.

ORDINANCE FAILED. (ITEM WAS RECONSIDERED, AND PASSED)

TELE-WORKS: An ordinance approval of bid waiver and contract award Tele-Works, Inc. for an Automated Citizen Information System with a total project cost of $96,994.00 and a total maintenance cost of $21,100.00.

Mr. Williams read the ordinance for the first time.

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

Mr. Williams 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. Upon roll call the motion carried unanimously.

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

Alderman Young asked if there was a guarantee that this system was going to work.

Ms. Sharon Crosson stated they could not guarantee that it was going to work because it was going to have to be the city employees that make it work. She was going to be the systems administrator. The system would enable a citizen to call in on the telephone and ask for information that city employees have provided into the system. They can do that over the phone or web. Teleworks will guarantee that their system will work provided that city employees put forth the effort to keep the system updated just like the web site. They had to keep it updated and they had to provide the information into the system. They had a thirty day period from the date it was installed to they go live. They had thirty days before they had to accept it. The system was to provide information, they could provide up to nine thousand recorded messages and an unlimited number of messages on line. They would be able to update the information from one area and it would update both the web and the phone. The system would also provide faxable documents. It would also allow people to pay their bills on line or over the phone. Other cities get about seventy-five percent of the utilities payments made over Tele-works are done on the telephone, the other twenty-five percent was done on line. It will keep statistics of all the calls that come into the system and the types of information they were requesting. It would also provide building inspection scheduling. This would interface with the Hansen workorder system.

Alderman Jordan stated it was difficult for him to spend so much money on an automated system when there are greater needs in the system.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed by a vote of 6-1, Jordan voting nay.

ORDINANCE 4374 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

INDUSTRIAL PARK LANDS: An ordinance amending the ordinance establishing the formal process for the sale of municipally-owned real property by defining industrial park lands.

Mr. Williams read the ordinance for the first time.

Alderman Young question what in and around meant.

Mr. Williams stated there was a map provided that it did include all the area in and around the industrial park. Contiguous with. It was controlled by the exhibit. The exhibit depicts exactly what it was so that there could be no question what it meant.

Alderman Young stated the ordinance read "around" this Exhibit A. It needed to stay within the boundaries as depicted on Exhibit A.

Alderman Davis suggested deleting "around".

Mr. Williams stated the land that the city was trying to sell was not within the Industrial Park. It was north of a factory. It touches the South Industrial Park, but it was not in the Industrial Park. That was why they could not sell it.

Alderman Young stated that would open it up to any land in or around this park to be exempt from the ordinance.

Alderman Davis suggested adding within the black border.

Alderman Reynolds stated he had not seen this advertised for sale.

Alderman Davis moved to amend the ordinance to add "within the bold black line." Alderman Trumbo seconded. Upon roll call the motion carried unanimously.

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

Mr. Williams read the ordinance for the second time.

Alderman Reynolds stated no one on his road knew about this and he wanted to wait.

ORDINANCE WAS LEFT ON THE SECOND READING.

LSP 02-6.00: An appeal of a Planning Commission decision regarding the right-of-way dedication requirements for Double Tree Road as shown on the City of Fayetteville Master Street Plan as requested by Mike Bender with Northstar Engineering Consultants on behalf of Earl Farrell.

Mr. Mike Bender, Northstar Engineering, stated the property was approximately 183 acres on Mt. Comfort Road. They had gone through the Planning Commission with a lot split. They were splitting off approximately forty acres in the southern region near the Holt Middle School for single family residential subdivision. What they were appealing was condition one of the Planning Commission approval which was a seventy foot right-of-way for Double Tree Road. They were requesting to relocate Double Tree Road right-of-way north of Clabber Creek. They thought it would be more appropriate.

Alderman Davis stated the Planning Commission had approved this as it is now. If they went north, then they were going to have to build more bridge work than if they were to go south. They would have less turns with the floodway, which would make it easier to build it they went to the south than if they went to the north.

Mr. Bender stated Rupple Road would have a bridge and they were dedicating right-of-way for that. Changing Double Tree Road would not change that. He did not believe that they would have to build a bridge. If they went south then they were shorting the collector corridor and it was not going to function as intended.

Alderman Thiel stated it was her understanding that they were proposing a road further south than what was shown here.
Mr. Conklin stated on their Master Street Plan they allowed developers to work with their Master Street Plan and to plan their streets within the development. This area was 183 acres. It was going to serve a lot of individuals and traffic. In the past with their Master Street Plan on this side of town, they have been able to work with developers to have the right-of-way dedicated within their development. Bridgeport Phase IV, V,and VI incorporated a collector street within their subdivision. Fairfield Phase I, II, and III incorporated a master plan within their subdivision. Shiloh West Apartments not only incorporated the right-of-way, but is building a thirty-six foot street as part of their large-scale development. WHM Investment dedicated right-of-way for Rupple Road and Persimmon Street. This was not something uncommon. He presented a copy of their preliminary plan. It had been tabled due to wet land delineation. What they would typically allow would be for the collector street to be incorporated within the development. What that would require would be an additional twenty feet of right-of-way. The additional right-of-way would allow the sidewalk to be set back ten feet from the curb for the tree planting area. It also helped them as a city. This was a collector and it would carry more people. It was important that they planned streets that connected subdivisions together. They needed to provide access to the schools.

Alderman Young stated that their proposed development was assuming that they would waive the right-of-way requirement.

Mr. Conklin stated that was correct. The bottom line was that they did not have room with this subdivision design to grant an additional twenty feet of right-of-way.

In response to questions from Alderman Young, Mr. Conklin stated their recommendation had been to only ask for the right-of-way for track A and to require the right-of-way on the remaining acres developed. He has had three developments within the past year that have worked to get Persimmon Street planned and within their subdivisions.

Alderman Young stated if they went south of bridge it would negate the whole purpose of this street. They would have to go north or south at that point.

Mr. Conklin stated a collector street was designed to collect the traffic and bring them to higher classified streets. They were trying to take traffic from the residential development and take it to Mt. Comfort Road. Collectors were to collect the traffic to make sure that traffic within the subdivision could access larger streets.

Mr. Williams stated they must show that there was undo hardship or practical difficulties that would justify a lesser dedication.

Alderman Santos moved to deny the appeal. Alderman Trumbo seconded the motion.

Mr. Charles Speedy, an area resident, stated a lot of promises had been made with Prestige Properties that did not get kept. The property was R-1 and needed to be developed. The Master Street Plan had a collector street going right through the middle of this property. It would be collecting from both sides. That was on top of Clabber Creek. The City's parks department is interested in purchasing the property for development of a park and for trails. Now they were talking about only collecting from half of that. There was no necessity that the collector had to be in this particular subdivision. There was no reason that it would not be north of the creek and service the larger tract. An area resident, stated they were looking at Clabber Creek as a potential trial corridor in the future. Township Road was on the back side of houses. None of the houses were accessed from Township. **Upon roll call the motion carried unanimously.**

APPEAL WAS DENIED. RESOLUTION 41-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

SPECIAL ELECTION: An ordinance calling for a special election to fill an alderman vacancy.

Mr. Williams read the ordinance for the first time.

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

Mr. Williams read the ordinance for the second time.

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

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

Mayor Coody asked shall the ordinance pass. Upon roll call the motion carried unanimously.

Alderman Santos moved to pass the emergency clause. Alderman Jordan seconded. Upon roll call the motion carried unanimously.

ORDINANCE 4375 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

NAME CHANGE: A resolution approving the name change of 300 feet of Applebury Drive to Tanglebriar Lane.

Ms. Karen Rose, an area resident, stated she had lived on Tanglebriar Lane since 1978, at both ends. There has been a lot of confusion on the street with deliveries and responses to emergencies. When they see the maps with Tanglebriar being named as an intersection to Rockwood. Something needs to happen. She did not believe they would have the confusion, if they left the maps as they were and renamed the street and gave them the correct name, Tanglebriar. She wanted to change three hundred feet of the street.

Mr. James Graves, an area resident, stated he was against the street name change because it would affect him because he would have to have new deeds and wills drafted. If they changed an address it not only affected the people living there, but the piece of property and every where that property was listed as an asset. He suggested placing new signs to identify the streets correctly.

Alderman Davis stated signage should be the first step to correct the situation.

Alderman Reynolds stated most of the calls he had received wanted the street signs. They did not want to change the name.

Aldermen Thiel and Davis asked Mr. Williams to check on the correct way to correct the miss spelled street name.

Alderman Davis moved to deny the street name request. Alderman Santos seconded. Upon roll call the motion carried unanimously.

RESOLUTION WAS DENIED. RESOLUTION 42-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

ADM 02-3.00: An ordinance approving ADM 02-3.00 amending zoning, Chapter 160 of the Unified Development Ordinance of the City of Fayetteville to remove the use of a liquor store from Use Unit 16 and allow that use as a conditional use within the C-1, Neighborhood Commercial zoning district, while remaining a permitted use by right in the C-2, C-3, and C-4 districts.

Mr. Williams read the ordinance for the first time.

Mr. Conklin stated the Planning Commission wanted the ability to approve liquor stores as a conditional use in C-1 zoning districts.

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

Mr. Williams read the ordinance.

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

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

ORDINANCE 4376 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

ADM 01-47.00: A resolution to approve ADM 01-47.00 to update census data; the community facilities section; and an annexation policy; and reorganize the General Plan 2020 for easier use.

Alderman Santos moved to table the item. Alderman Jordan seconded. Upon roll call the motion carried unanimously.

ITEM WAS TABLED UNTIL THE MARCH 19, 2002 MEETING.

ROUGH PROPORTIONALITY APPEAL: An ordinance to permit appeal to the Planning Commission to Request Reduction of Exactions that might exceed the rough proportionality of the impact of the development.

Mr. Williams read the ordinance for the first time.

Alderman Thiel stated every thing about this was very general, but the last paragraph was strictly on sidewalks. Could they make that more general?

Mr. Williams stated he thought it was dangerous to do it too generally. Most ordinances were not made retroactive. The reason he had restricted it to sidewalks was that they knew approximately how much liability there would be out there for the City. Also, it was because of some of the problems that they had in assessing what he believed to be beyond what was the rough proportionally of the impact of a house. They required someone to donate $4,000 or more for sidewalk was why they looked at this and why he felt they needed this ordinance. He recommended that they limited it. If they did not limit it, he did not know what would be opened up. They could be potentially weighing the Planning Commission down with hearing many appeals. It was better to be proactive, except in this one isolated circumstance where the people who had to pay too much. He thought they did need to make an ordinance that gave them a change to go back before the Planning Commission and try and seek and refund of their money. Without this someone could challenge their entire UDO.

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

In response to questions, Mr. Williams stated this was not appealable to the Council. From the Planning Commission it would go to the circuit court.

Mr. Williams read the ordinance.

Alderman Thiel questioned how many appeals they would be getting in future.

Mr. Williams did not believe that their would be a lot. He thought the sidewalk was one of the more difficult issues that they faced.

Alderman Santos moved to suspend the rules and move to the third and final time. Alderman Trumbo seconded. Upon roll call the motion carried by a vote of 6-1, Young voting nay.

Mr. Gordan Wilson, an area resident, stated when he started running the cost of sidewalks, the three dollars per square foot seemed to be pretty high to him. Were those fees set up to discourage people from paying those fees rather than putting in the sidewalk.

Mr. Conklin stated sometimes three dollars was not enough, when they were dealing with difficult terrain and drainage. It was an average cost.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed by a vote of 6-1, Reynolds voting nay.

ORDINANCE 4377 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

TRANSPORTING ANIMALS

Alderman Trumbo moved to reconsider the Transporting Animal ordinance. Alderman Thiel seconded. Upon roll call the motion carried by a vote of 5-2, Santos and Reynolds voting nay.

Alderman Trumbo stated he had changed his mind and would like to vote again on the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed by a vote of 5-2, Santos and Reynolds voting nay.

ORDINANCE 4378 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Meeting adjourned at 10:45 p.m.