

**MINUTES OF A MEETING
OF THE
CITY COUNCIL
JUNE 18, 2002**

A meeting of the Fayetteville City Council was held on June 18, 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 Reynolds, Thiel, Young, Marr, Bechard, Davis, Jordan, City Attorney Kit Williams, City Clerk Heather Woodruff, Staff, Press, and Audience.

ABSENT: Alderman Santos.

CONSENT AGENDA:

APPROVAL OF MINUTES

APAC: A resolution awarding Bid 02-34 and approval of contract with APAC-Arkansas, Inc. McClinton Anchor, in the amount of \$22,190.00 plus a 10% project contingency of \$2,212.90 and \$500.00 for testing for a total cost of \$24,841.90.

RESOLUTION 93-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

SOCCER UNIFORM: A resolution awarding Bid 02-27 to purchase soccer uniforms from Score Uniforms at an estimated amount of \$19,000.00 for the Fall Season and \$5000.00 for the Spring 2003 Season.

RESOLUTION 94-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK

CENTRAL EMS: A resolution approving the renewal of the contract with Central Emergency Medical Services, Inc.

RESOLUTION 95-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

BID 02-35 A resolution awarding Bid 02-35 in the amount of \$70,200 to Industrial Maintenance Assistance for welding services.

RESOLUTION 96-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Alderman Jordan moved to approve the consent agenda. Alderman Davis seconded. Upon roll call the motion carried

OLD BUSINESS

RAZE AND REMOVAL: A resolution approving a raze and removal of house at 1200 S. Roberts as per Ordinance 3948. The item was tabled at the May 7, 2002 meeting.

Mayor Coody asked if there was a need to want to leave this on the table.

Alderman Reynolds stated he had a call from this lady today and she is waiting on a deed to come in from Little Rock. She will be the owner of it and they have cleaned it up, but she promises that once the deed comes in that it is going to be a lot and the house is going to be demolished. So we need to table this.

Mayor Coody stated we have a motion to table this.

Mr. Williams asked if they wanted to table this until the second meeting in July.

Alderman Davis asked if we had an idea when the closing may take place.

Alderman Reynolds stated that he thought we could have the first meeting in August. This would give her some time to get everything done.

Alderman Davis asked Hugh Earnest if he knew when the closing was to take place.

Mr. Earnest stated he did not but could certainly check on that. There is _____ on the property.

Alderman Young stated that closing on the property and then getting the building down if that is their intent might take a little longer than August 1.

Alderman Reynolds stated that they could look at it again in August. I think that the first week in August and then we can look at it again.

Alderman Reynolds moved to table the item until the first meeting in August. Alderman Thiel seconded. Upon roll call the motion carried unanimously.

THE ITEMS WAS TABLED UNTIL AUGUST.

PLANNING COMMISSION APPEAL: A resolution to appeal the Planning Commission Decision regarding LSD02-7.00 for property located at the southwest corner of Fletcher Avenue and Rodgers Drive. The item was tabled at the May 7, 2002 meeting.

Mr. Williams stated there were seven aldermen here tonight. There was an issue on whether or not this might require five or four affirmative votes to pass. He owned some property near this development, therefore, he did not feel he should make the decision.

He had asked the Assistant City Attorney, David Whitaker, to look at this independently. Mr. Whitaker would be taking his seat during this discussion.

Mayor Coody stated he was not going to make a vote on this item. This was his neighborhood association and he had property for sale near this development.

Mr. Rick Osborne stated this project came to them with a full recommendation of the Planning Staff. The Planning Commission voted against it, but at no point has the Planning Staff asked for anything that they had not received. They had complied with every law and regulation and demand. They were in full compliance with all City ordinances and State laws. This meets every standard that they had. They felt they were entitled to approval. They have voluntarily reduced the density. They could put twenty-four units on this. They have voluntarily reduced it to twelve and since, have reduced it to nine units. The Bill of Assurance is in the packet.

Ms. Patricia Mickelson, 214 Blackberry Lane, outside the Fayetteville city limits. She was representing Roots and Shoots. They were youth and adults. They were committed to serving Fayetteville by preserving urban forest in a way that honors property rights. She stated she did not believe the plat was submitted in accordance with their regulations because there had been trees cut down before it was okay to cut down the trees. There was a court case that was supportive of the city council making a decision that is not rigidly in compliance with zoning laws, Alexander Trust vs. the City of Bentonville. She also believed the development would create or compound a dangerous traffic condition. She also expressed concern about people parking on the street.

Ms. Melissa Cathery, 824 E. Rodgers Drive, stated her main concern was traffic. The road was eight to ten feet wide. There was no parking there. On each side there was very deep ditches. Across the street from this was a grass hill. The hill was a very special place to her. She was afraid that there would be cars parked on it and it would be turned into a dump. It would be harder for her to ride her bike and walk her dog. She had seen a deer on the hill. If the development came to be, she feared she would not see that any more. She would like for this to be held off until they could get more proof on how the traffic was an issue. Already it was tight. Buses could not go up there. There was no way to turn around. She wondered how they would complete Center Street and make it go all the way to Fletcher.

Mr. Baker Sanmare, 48 N. Olive Avenue, stated he came to speak about the traffic and how it would be without the woods. There were a lot of animals and they would not be able to ride their bikes.

Ms. Holly Beard, 512 S. Locust Avenue, she presented a petition supporting the preservation of the urban forest located on Mt. Sequoyah. They opposed the development.

Mr. Jerry Jansma, 900 Lighton Trail, stated he was the president of their association. The association was in opposition to this development. Many other people in their

community and neighborhood were also opposed to this development. Some for reasons of congestion, safety, and etc. It was not the development that they were opposed to. They would welcome a development. It was this particular development that they found objectionable. He urged them to uphold the Planning Commissions decision and to deny their request for approval.

Ms Win Dickenson, 1221 Rodgers, stated she would like to address the issue of the impact of the increased traffic on the safety of their children and families in the neighborhood. They had a lot of children that were school age in the neighborhood at this time the people who lived on Rodgers Drive did not let their children walk to the library or to school when other children their age did because of the current traffic on the street now. Her thought was that if they increased the traffic along that curve that it was going to be even more dangerous. With the current traffic, she drove her daughter to the bus stop on Fletcher because it was too dangerous with the work traffic in the morning and as fast as they were going around the curve. There was limited sight distance and by the time they see a pedestrian, there was not enough time to stop. There were no gutters. There were no sidewalks. There was not even a shoulder. They had to jump into the ditch. So all of us that lived in that area had modified the way they live because of the current traffic pattern. She could not even imagine how it would be with twenty-seven other cars. She urged them to deny the petition.

Mr. Jerry Havens, 809 Lighton Trail, stated he was concerned about the increase potential of serious traffic accidents in the vicinity of Lighting Trail, Oklahoma Way and Fletcher and Rodgers Drive. He believed it would result from the proposed development by Mr. Schmitt. The intersection was very complex because none of the four streets except Fletcher came into the intersection in the direction of the center of the intersection. Regardless of what direction they enter from or direction they depart in, they must execute a turn or a jog to negotiate the intersection. The complexity of the intersection is made more dangerous by the steep grades of the streets, particularly Oklahoma Way and Lighting Trail. The topo map showed two and ten feet elevation contour levels in the area. Both Oklahoma Way and Lighting Trail begin raising immediately from the intersection and both rise approximately fifty feet in the approximately three hundred and fifty feet to the next level ground. This was a grade of about fifteen percent. Which was a severe grade. It made it difficult to stop a vehicle under rain conditions and impossible to stop within any snow or ice cover. The topo features result in poor visibility of the intersection and the roads which lead into it. Lighting Trail right-of-way is thirty feet, but the street is only fifteen feet wide. The development is located adjacent to the intersection. In his opinion the addition of thirty or more vehicles all of which would have to enter and depart within the immediate vicinity of the intersection would seriously increase an existing traffic hazard, that he believed was unacceptable.

Ms. Jordan Sanmare, 48 N. Olive Avenue, stated the woods were a place that she had spent most of her childhood and it held special memories for her. She asked them to not approve the appeal.

Ms. Lisa Yaky, 1131 Heath Drive, stated an illustration of the area. They were very concerned about the traffic safety. This was a very small area. They had Fletcher, Summit, Oklahoma Way and Rodgers, and Lighting Trails. They had five roads coming into this small area and a drive way into a house. There was also a drive going into the park area. This park area was a very steep hill. Often coming around the corner to Fletcher you cannot see people coming down the hill on Oklahoma Way. The road was fifteen feet and seven inches. Two cars side by side go very slow. There was a very deep ditch on both sides. There was no where to go if there was a problem. In the winter time it was very serious, they very often have cars in ditches if it was slick. The road was barely able to handle what they have going on now.

Ms. Harriet Jansma, 900 Lighton Trail, stated there was a problem of over occupancy of rental dwellings. At the same time Mr. Schmitt was signing a legal agreement to avoid over occupancy of two dwellings at the corner of Maple and Olive. They were beginning to document on Lighting Trail what they considered to be a serious case of over occupancy of a dwelling that he owned at 921 Lighting Trail. That effort is on hold during summer months because the student tenants were away and would return in August. If they had a nine unit development with twenty-seven bed rooms and they had it in an R-2 zone. They could have up to four unrelated adults in those units, even though they have only three bedrooms each. If they were related they could have more, yet the plan was for thirty parking spaces. National statistics show that 1.3 parking spaces should be allow for each bedroom. They had the possibility of a serious case of overflow. It was very difficult to prove over occupancy and the city did not have the staff to help the citizens.

Cynthia Vanburger, 204 E. Meadow, stated she felt that this issue affected the broader community because she moved here and bought property her because of the green space on Sequoyah Mountain. This would open the way for further development. It could mean expanding streets and changing the whole face.

Al Vic, 514 E. Rock, stated he had been reading Planning Commission minutes from 2001. When people move into a neighborhood they expect something. When they move into a quite neighborhood they were going to expect a certain amount of quiet. Those were their property rights. They had children pleading with them not to do this.

Mr. John Sandeen, 1124 Rodgers Avenue, stated he had been talking about living across from Mr. Schmitt's development at Planning Commission and the problems he had there. There had been a lot of issues with his developments. His main concern was safety and where this project was proposed to be located. That whole area was known as a pedestrian area. Right now the roads could not even handle the traffic with pedestrians on the road. It was unsafe as it existed right now. School buses could not even make it up the hill. They had to drive their kids to school. The roads were considered unsafe for school buses. There were existing things leading to safety concerns. It did not make sense to build this project in this area. There were open ditches and culverts that were broken that needed to be repaired. There were no sidewalks up there. They could not

walk their kids safely around that area. He would drive a half a block and park at the park to get his kids out to walk around.

Mr. Mike Green, Texas Way, stated the Planning Commission had studied this development through all the evolution of the this development for approximately one year. They have looked at all of the arguments and deliberated on it for over a year and they came up with their decision to deny the LSD. He urged them to review their information. He urged them to base their decision not on fear of lawsuit, but on the impact to the neighborhood and impact to the city's infrastructure and safety in the neighborhood.

Ms. Ladonna Whiteside, 112 Fletcher Avenue, stated they lived right across the street from a multi family dwelling. They fought traffic just backing in and out of their driveway every day. People parked in the curve every weekend. It was college people. It caused excessive traffic. Another point she would like to make was that their property had been there since 1904 as well as many of those homes right on the curve. She presented photos of what the property looked like then.

Mr. Greg Henry, an area resident, stated he had invested in real estate and building in Fayetteville. He had talked to numerous men who have been developing in Fayetteville for years. All of them agreed with him that a relatively small group of emotional neighbors could keep someone like himself from their rights to develop. He was for this development.

Ms. Sharon Davidson, Rodgers Drive, expressed concerns about this developer.

Mr. Christopher Mickelson, Blackberry Lane, stated he did not like the new development near his house and hoped that this would work out better.

Miss Lee Ann Gottsponer, 2408 Eastoaks Drive, stated her friend Melissa lived in this area. She did not believe it was a good idea to do all this stuff because it would bring in all this traffic. Traffic was not good because kids could not ride their bikes.

Mr. Rick Belt, 904 E. Rodgers, stated he was shocked to find that part of his neighborhood was zoned R-2, but he had felt more comfortable knowing that some of the lots did not have street frontage. He did not see any reason to extend Center Street. The Planning Commission regulation stated that topography could be used as an exception. The topography of the land did not lead itself easily to ingress and egress. There will be cars on the road when weather was not good and at other times. It was unsafe. Some of this development he questioned from the beginning. This will not fit with their neighborhood.

Mr. John Atkins, Southern Heights, stated the most important thing that he could think of was nine units on one acre did not fit the whole style of Mount Sequoyah. It was more of a historical district than a suburb. They had deer herd, road runners, and wild turkey. He asked why a person could not build one single family dwelling instead of nine units.

Mr. Bob Jordan, Ila Street, stated he was struck by the comparison with this meeting in May of 2000 and this one. At that meeting twenty-two people spoke against a project and one person spoke in favor of a project. That was a project about a few little trees.

Mr. Osborne stated some of the objects were hysteria driven. A lot of these units were going to rent for \$1,400 each. Not a lot of students could afford it. They could not discriminate against students. It was illegal. Mr. Schmitt had offered set of a covenants. Mr. Schmitt and Mr. Dandy had very right to cut those trees. At the time it was just a couple of lots just like any other subdivision in town. Zoning was not the issue tonight. The issue was an appeal of an LSD to which the Richardson Case directly applies. They had some discretion in zoning matters, but not in LSD appeals. Traffic, you all did a study, they were not satisfied so Mr. Dandy and Mr. Schmitt paid for a second study. Same result. It was safe. There was no problem. The development would not impact in the area sufficiently to have a dangerous affect. It would be safer after this development because they would have sidewalks in there. They were going to put in sidewalks. Their own staff had the studies. They both stated the same thing. That it was safe development and would fit within the area. There was no unit with four bedrooms. The most bedrooms in any unit was three. They would put it into a bill of assurance. Parking in the street. He did not know even how to address that. How many landlords in this city that controlled parking in the street. They will put in the lease clause that says no parking was allowed in the street. They had plenty of parking on site. There were garages and other parking areas on the land. How could they control someone parking in the street? The neighbors were not the experts. Your staff was the experts. Their own staff recommended in favor of this project. He read from the Richardson Case, "When development ordinance specify minimum standards to which preliminary plats must conform it was arbitrary as a matter of law to deny approval of the plat that meets these standards." They met every standard and every demand, every request. They have done every thing that they have been asked to do by the city. "City Council may not disregard their own regulations as set forth in the subdivision ordinances and substitute its discretion in lieu of fixed standards applying to cases similarly situated." "City Council is authorized and required to determine whether the subdivision plat presented is in compliance with particular subdivision regulations. Once compliance is had, no decretory power to disapprove the plat exist." Their own staff was telling them that this complied in every way. They had recommended approval.

Alderman Young asked how many units. He understood the number of buildings was nine. How many dwelling units in each unit?

Mr. Osborne stated there were nine units. They were nine condos with no more than three bedrooms each.

Alderman Young asked if each one was a three bedroom dwelling.

Mr. Osborne stated they were all three bedrooms. Nine units with three bedrooms each.

Alderman Davis asked what the duplexes would look like.

Mr. Osborne stated they would all look like what was presented. Some of the units were going to be hook together, but it would be the same façade on all on the units. They will put into the Bill of Assurance that there would be no more than three bedrooms per units.

Alderman Davis asked if he would be interested in reducing the number of units from nine to eight.

Mr. Osborne stated if he thought it would get it passed he would do it.

Alderman Thiel stated one of the main concerns was that other than the required parking spaces there was no off-street parking available for this complex for visitors or guests. It looked to her that people were going to be parking along the street. Not only did the staff state that was a concern, but she could see where that was a major concern because the street was so narrow. It was going to cause a traffic hazard in her opinion.

Mr. Osborne stated they had wanted to put more and were not allowed.

Mr. Tim Conklin stated the requirement was one parking space per bedroom, then they were allowed to have twenty percent over that. There were concerns with regard to working on the project for one year with the amount of paving. At one point they had showed thirty parking spaces. There were concerns from the Planning Commission and neighborhood with regard to parking. They looked at adding five more parking spaces on their site plan to accommodate those concerns. There was the ability to provide more parking on site, but it would reduce the amount of greenspace.

Alderman Thiel stated she would not be recommended that because it would cause more storm water run off below. She would not want to see any more paving. Maybe a reduction in bedrooms.

In response to questions, Mr. Whitaker stated he believed Mr. Osborn's characterization of Richardson Case was correct in that the discretion of the Planning Commission in adopting development was in adopting development code. The case stated that once it had been adopted it must then be enforced. If they made a factual finding that this development meets the requirements that were set forth in the ordinance, their discretion ended and they must approve. It was a very clear case. Quoting, "to rule otherwise would suddenly objective requirements and instead substitute subjective thinking by individual member of a particular Planning Commission. This was never contemplated by the law."

Alderman Thiel stated she had received a memo from City Attorney stating they could specifically could deny an appeal if the proposed development would create or compound a dangerous traffic condition.

Mr. Whitaker stated that was one of the criteria. If they make a factual finding that the evidence presented to them shows that there would be a traffic problem created by this, then Number 4 in the ordinance concerning traffic would certainly be in order. The records must support such a finding. Merely naming a number and saying that's why they did it may not be enough. It needs to be tied to the evidence in the record.

Alderman Davis stated the city of Fayetteville had stated that they did not see that there was going to be a problem with the street with the additional units. Then there was an independent study that came up with the same conclusion.

Mr. Whitaker stated that was evidence that they should consider.

In response to questions regarding green space, Mr. Conklin stated they had spent a year working on their greenspace. They had started out with twelve units on the site. They modified that with twelve units on each lot for a total of twenty four units. They have come back now with two duplexes on the original submittal for Mr. Schmitt on his lot and a duplex and three single family homes on Mr. Dandy's lot for a total of nine dwelling units. What they see tonight was substantially more green space than what they had in the middle of this review. This had been reviewed by city staff and the planning commission. It did meet their ordinances. City staff did recommend approval.

Alderman Davis asked Alderman Marr to give them some insight on their decision when he served on the Planning Commission.

Alderman Marr asked on a traffic study, stated he was not comfortable relying solely on the study because there was some subjectivity to it. It talked about the number of trips per day, but it did not look at it by times of day. They could have a thousand trips on a local street road and the majority of that could happen during going to and from work. The conditions were very different from those numbers spread over a twenty-four hour time period. There was also the reality of the law of common sense and real world. When they drive and walk that road, he thought it was easy for someone who comes in to look at it and say that it could handle up to one thousand cars, but the law of common sense would say that it was substandard. It says that in this report. he did not know why he would vote for or approve a development that only made a substandard street only worst. The reality of this was that he did not think that this zoning was proper. He did not think it was an R-2 place. He did not think that this development was something he would feel comfortable voting for. He did not have a personal issue with Mr. Schmitt. There were topography issues that made this unsafe. This study did not look at time frames or seasons. It did not address other issues that were there that he thought were real issues. He also thought there was an infrastructure cost to the city. This piece of land did not have frontage to begin with. He will not vote for it.

Alderman Reynolds stated he did not believe Mount Sequoia had the infrastructure to support this project. He thought this project was going to be a danger to health and safety and welfare for everyone on the mountain.

Alderman Jordan stated this was a judgment call. When he saw twenty people come in from their neighborhood saying there was a problem, then there was something wrong. People had commented tonight that traffic conditions were a problem. The people who lived there knew what went on there. They knew what they were talking about. He knew the street was very narrow. If they parked cars out there, it was going to be a hazard.

Alderman Young stated this was a typical development that was drawn on a flat piece of paper. This was not a flat piece of land. One of the things that needed to be considered was that the Planning Commission had looked at all the facts and said no. Topography should be considered. The courts would look at all the laws. This was the city council. One of the things that city council was charged to do was to look out for the health safety and welfare of the community. Allowing a dense development would hinder those three requirements. The topo should prevent this development from going forward.

Alderman Bechard asked how long had this been zoned R-2?

s

Mr. Conklin replied since 1970.

Alderman Young moved to uphold the Planning Commission decision and to deny the LSD. Alderman Reynolds seconded. Upon roll call the motion passed by a vote of 6-1. Bechard voting nay.

LIBRARY BOARD: An ordinance recognizing that the FPL and its Board are, and have been, operating and functioning as a duly authorized municipal library in accord with the state and local laws.

Mr. Williams read the ordinance.

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

Mr. Williams read the ordinance.

Alderman Jordan moved to suspend the rules and move to the third and final reading. Alderman Davis 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 4402 AS RECORDED IN THE CITY CLERK'S OFFICE.

RZN 02-14.00: An ordinance approving rezoning request RZN 02-14/00 as submitted by Raymond Smith on behalf of John & Janet Kesner for property located at the northeast corner of Crossover (HWY 265) and East Zion Rd. The property is zoned A-1,

Agricultural and contains approximately 2.80 acres. The request is to rezone to R-O, Residential Office.

Mr. Williams read the ordinance.

Mr. Raymond Smith, representative, stated the Kesners were under a contract to purchase the property upon the condition that the property was rezoned. The plan was to construct and build a funeral home and a crematory.

Alderman Davis moved to suspend the rules and go to the second reading. Alderman Marr 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 Reynolds 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 4403 AS RECORDED IN THE CITY CLERKS OFFICE.

VA 02-11 An ordinance approving vacation request VA 02-1.00 as submitted by Ken and Kathie Marvin for property located in Rochier Heights Subdivision. The requested is to vacate the alley between Lots 8, 9, 10 and 11 of Block 5.

Mr. Williams read the ordinance.

Mr. Ken Marvin, applicant, presented preliminary plans of what he wanted to do. The property had been purchased by his family in the 1950. It had been on the market for sale for the last twelve years. There was a proposed road that ran through their property. They want to do away with the alley and to add another duplex on lots 10 and 11. they did not want to put in the proposed roads. They did not have enough lots to do the cost of the road. It was not feasible for them to construct the road.

Alderman Davis stated with the run off from the current fourplex and the addition of units above that, what was his plan to divert the water from hitting the units below.

Mr. Marvin stated they were going to push it over into the field to the east and let it run down naturally.

Mr. Conklin stated staff would recommend not vacating the alley until they had some sort of agreement for large scale development. This was becoming a problem on infill, on

subdivisions that were not actually built and were just on paper. Mr. Marvin has on small piece of the platted subdivision out there. It made it difficult for staff to determine when they were going to start building streets. They had issued a building permit because the two lots combined together had street frontage on Rochier Street. They did not require him to build the street. The alley vacation was the because they would not issue any more building permits unless street frontage was built to the other property. The vacation would make the two properties into one. He was concerned when they were going to start building the streets and the infrastructure. He thought the only way they could address the issues was at Large Scale development.

Alderman Thiel stated she could not approve this without it going through large scale development.

Mr. Williams stated they could only address some of the issues at the Large Scale Development. He did not want to add it to the ordinance. It was an agreement they had to work out with the parishioner.

THE ORDINANCE WAS LEFT ON THE FIRST READING.

SENIOR CENTER: A resolution approving Change Order No. 2 to the contract with Harrison Davis Construction in the amount of \$33,664 for the Senior Center and granting additional time to the contractor and approval of a budget adjustment.

Mr. Ernest stated they were well over the time line. They were recommended a time adjustment of one hundred and four days and an additional \$33,600 for work that has been preformed. All of the time extension has been approved by the architect and city representatives. There will be further conversation between the staff and the contract on time. He would make sure that they received an adequate time line. The administrative responsibility will be transferred to the city.

Ms. Linball, stated the management to be going to the city and the council on aging would retain the contract.

Alderman Davis moved to approve the resolution. Alderman Young seconded. Upon roll call the motion carried unanimously.

RESOLUTION 98-02 AS RECORDED IN THE CITY CLERKS OFFICE.

TROLLEY SERVICE: A resolution to authorize the transfer of all of the city's trolley to Ozark Regional Transit in exchange for transportation services. b. A resolution to approve the purchase of \$70,000 worth of transportation service for Fayetteville citizens from Ozark Regional Transit and to approve a budget adjustment of \$70,000.

Mr. Williams stated there were two separate resolution.

Mr. Ernest stated the contract with Jones Transportation had been set up for six months. They had planned for an expanded service. A continuation of the south route with an expanded access to work program operated by Ozark Regional Transit. There would be changes in service and some misunderstanding, but it was their recommendation that this was in the best long term interest of the city.

Alderman Reynolds asked how the south route would be changed.

Mr. Phillip Humperty, Ozark Regional Transit, stated they were working with several non-profits in determining the routes. In their decisions they had talked about expanding a portion of the route in the southwest corner and expanding the service hours. They had received a grant from the FTA. The current route ended at 4:30. they were looking at starting earlier and working later. The second portion on was what they could provide better access on 71 corridor as well as the mall.

Mr. Jones, Jones Transportation, stated he had enjoyed running the trolley. The was still planning on running buses and limousines.

Alderman Jordan moved to approve the resolution to transfer the trolleys. Alderman Marr seconded. Upon roll call the motion carried unanimously.

RESOLUTIONS 99-02 AS RECORDED IN THE CITY CLERKS OFFICE.

Alderman Thiel moved to approve the resolution to authorize the expendatire and approve the budget adjustment. Alderman Jordan seconded. Upon roll call the motion carried unanimously.

RESOLUTION 100-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

WARD BOUNDARIES: An ordinance modifying the boundaries of Ward 1 and Ward 2 of the City of Fayetteville after the 2000 Federal Census.

Mr. Williams read the ordinance.

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

Mr. Williams read the ordinance.

Alderman Marr 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 4404 AS RECORDED IN THE CITY CLERKS OFFICE.

OFFER AND ACCEPTANCE: A resolution approving the offer and acceptance contract between the City and Darrell and Ethel Meredith for the purchase of 0.4 acres, including 3,400 square foot building at the corner of Nonamaker Street and School Avenue for a sum of \$120,000 plus closing costs, and an additional \$9,000 to cover environmental soil testing and building modifications for use as city storage.

Mr. Ed Connell, Engineering, stated they had soil samples ran on the building. Three samples came back fine. One came back with problems. They needed to look at this deeper to see the full extent of the contamination. He would like for them to table the resolution until they came up with a plan to clean up the property.

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

THE ITEM WAS TABLED.

The meeting adjourned at 9:45 p.m.