MINUTES OF A MEETING
OF THE
FAYETTEVILLE CITY COUNCIL
JULY 5, 2000

A meeting of the Fayetteville City Council was held on July 5, 2000 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

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

CONSENT AGENDA

MINUTES
Approval of City Council minutes from the meetings of June 1 and June 6, 2000.

BID 00-48
A resolution awarding Bid 00-48 to Chris King Electric for electrical services for the remainder of the year 2000 with five one-year renewal options.

RESOLUTION 88-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

BID 00-49
A resolution awarding Bid 00-49 to Synthetic Designs Stucco for the Engineering Building located at 125 W. Mountain Street in the amount of $45,900.00 plus a 10% contingency of $4,590.00

RESOLUTION 89-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

BID 00-50
A resolution awarding Bid 00-50 in the amount of $26,860.00 with at 10% contingency to Airworks a Division of Multi-Craft Inc. for the installation of Phase II HVAC System, City Prosecutor's Office and the Jail.

RESOLUTION 90-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

DICKSON STREET
A resolution approving Change Order No. 2 (Final) in connection with the Dickson Street Water and Sewer Relocations in the amount of $46,279.00 and a budget adjustment.

RESOLUTION 91-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

T-HANGARS
A resolution awarding a contract to Harrison Davis Construction, Inc. in the amount of $489,865.50 with a 15% contingency for the construction of two eight-bay T-Hangars at Drake

Field and approval of a budget adjustment.

RESOLUTION 92-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

J.D.G. TELEVISION
A resolution approving a lease agreement with J.D.G. Television Inc. to lease an area that contains thirteen parking spaces in the Fayetteville Municipal Parking Lot located west of the Campbell Bell Building between Mountain, Church, and Center Streets. This lease agreement will allow J.D.G Television, Inc. to construction a covered parking canopy for thirteen employee parking spaces and will be designed to incorporate and screen three proposed satellite "receive only"dishes.

RESOLUTION 93-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

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

OLD BUSINESS

PARTIAL PERMIT
An ordinance repealing Section 156.04, Section 169.03 (B)(6), and Section 170.03 (A) of the Code of Fayetteville, Unified Development Ordinance, and amending those sections to prohibit non-final, partial and/or phased grading and/or stormwater management, drainage and erosion control permits. This ordinance was left on the second reading at the June 20, 2000 meeting.

Alderman Young moved to table the item until the second meeting in August. Alderman Trumbo seconded the motion. Upon roll call the motion carried unanimously.

Mr. Rose read the ordinance.

Mayor Hanna stated they had a committee working on the ordinance and they would be having several public hearings before it came back to council.

NEW BUSINESS

CITY TRAILS
Presentation from Chuck Rutherford on the city's trails.

Mr. Rutherford, Sidewalk and Trails Coordinator, summarized the city's current trail projects. There are currently five trail projects under Ice Tea Funding. These five trails are under design now. Four of them are being done in-house by the Engineering Department. Milholland

Engineering is working on the CMN Trail. Funding for these projects has been provided by the Ice Tea or T-21 Federal Highway money. The five trail designs would have to be submitted to the Highway Department in Little Rock in October for their approval. He noted not to long ago the Mudd Creek Trail had been designated as a Millennium Trail.

Mayor Hanna stated there were other trails in the process. There was one along the White River and in the Industrial Park. They were making some progress.

Mr. Rutherford stated they had started in February a sub-committee of the Sidewalk and Trails Committee to put together a Master Trails Plan for the City of Fayetteville. They were touring the trails they had previously drawn on their map. They were going out on site to see what the problems were and to see if the trails could actually be built. Their next site visit would be on Friday.

Alderman Davis stated there were five of them who were working on this. They had spent five afternoons venturing around the city trying to connect trails throughout the community.

Alderman Russell questioned the status of Raven Trail.

Mr. Rutherford stated Ravens Trail had been drawn. They were going to submit that trail along with the one that was coming out of Gulley Park at the same time to the Highway Department. They were currently being done in-house by the Engineering Department.

Alderman Austin questioned the kind of trails that were in the south part of town, Wards 1 and 4.

Mr. Rutherford did not know of any completed trails, noting Lake Wilson was a rough trail for bikers and hikers.

Alderman Davis added this committee was trying to find areas that would make good trails.

Alderman Daniel stated they had wanted to use the old railroad in the Industrial Park, but that had not worked out because a spur might be wanted in the future.

Alderman Davis stated once they finished the study at the sub-committee level, they would bring it back to the whole committee to look at and view. Then, they would proceed onto the Planning Commission. Once the Planning Commission had approved what they were planning to do with the multi-trails then they would bring it before the council.

Alderman Santos asked if they were using the existing trail plan that had been adopted in 1983 as a guide line.

Alderman Davis replied they had looked at it and they were doing some of their own.

Alderman Santos stated the Center Prairie Trail had been one of the trails he had written a grant application for in 1993. They had been approved Ice Tea money which was part of the second enhancement grant they had received in 1994.

Alderman Davis stated it was his understanding that the city had to own the land before they could receive grants. If they did not own the land, they could not execute the Ice Tea money. That was the problem the city was having. The current Ice Tea money would be going for trails in which the city already owned the land. They had already applied for the money. They were just sending the drawing in for them to confirm that it met their specifications.

No action required.

CENTER PRAIRIE TRAIL
A resolution approving the purchase of an abandoned railroad right-of-way in the amount of $50,000 with the intent to build a multi-use trail within the abandoned railroad right-of-way between Prairie Street and the Walton Art Center parking lot.

Alderman Davis explained this was for an offer. They were offering the appraised value which was $50,000.

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

RESOLUTION 94-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

VA 00-4.-00
An ordinance approving vacation request VA 00-4.00 submitted by Henry Kelly Jr. of Millsap Road Investments for property located at 665 Millsap Road, Lot 19 of CMN Business Park Phase I. The property is zoned C-2, Thoroughfare Commercial and contains approximately 2.58 acres. The request is to vacate a portion of an existing water line easement within Lot 19.

Mr. Rose read the ordinance for the first time.

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

Mr. Rose read the ordinance for the second time.

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

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

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

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

ORDINANCE 4250 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

VA 00-5.00
An ordinance approving vacation request VA 00-5.00 as submitted by Harvey Luttrell on behalf of Wiggins Memorial United Methodist Church for property located at 205 W. 6th Street. The property is zoned R-2, Medium Density Residential and contains approximately 0.18 acres. The request is to vacate a portion of Old Farmington Road.

Mr. Rose read the ordinance for the first time.

Alderman Daniel stated the Planning Department had made sure the City had the right-of-way required, if 6th Street was ever widened.

Alderman Trumbo added the church would be constructing a parking lot on the property.

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

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

Mr. Clark, Wiggins Church, explained they were trying to clarify their property lines.

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

ORDINANCE 4251 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

VA 00-6.00
An ordinance approving vacation request VA 00-6.00 submitted by Joe and Angela Stevens for property located on Old Farmington Road between Beechwood and Eastern. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately .23 acres. The

request is to vacate a portion of Old Farmington Road.

Mr. Rose read the ordinance for the first time.

Alderman Daniel stated it was all commercial, she did not believe it was needed for traffic flow.

Alderman Daniel moved to suspend the rules and move to the second reading. Alderman Reynolds seconded the motion.

Alderman Reynolds added the street would remain open for sanitation truck. It would not be completely closed. The vacation was needed to finish the project. They had done a great job so far.

Upon roll call the motion carried unanimously.

Mr. Rose read the ordinance for the second time.

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

ORDINANCE 425~~8~~9 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

AD 00-8.00

An ordinance for AD 00-8.00, Administrative Item Amendment to Chapter 162 "Use Units" of the Unified Development Ordinance, Section 162.01 "Establishment and Listing" to allow additional retail uses in the C-1, Neighborhood Commercial District.

Mr. Rose read the ordinance for the first time.

Alderman Daniel stated this would make the Planning Department's work easier. It would also facilitate commercial developments. She had not received any objections to the ordinance.

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

Mr. Rose read the ordinance for the second time.

Ms. Fran Alexander asked them to explain the ordinance.

Alderman Santos explained it would make it easier to develop neighborhood commercial uses within the city. It was adding a use unit to the C-1 district that use to require C-2. He read the uses allowed in the C-1 zones, if the ordinance passed. He explained this would be good for integrating commercial uses near residential area. He believed it was good for the development of the city. It would also make the workings easier with the Planning Commission and the Council. They would not have to consider rezoning for these harmless uses. It would expedite the process for the developers and the city staff.

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

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

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

ORDINANCE 4253 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RZ 00-16.00
An ordinance approving rezoning request RZ 00-16.00, submitted by Arden Gale for property located at 1530 Albright Road. The property is zoned A-1, Agricultural and contains approximately 4.21 aces. The request is to rezone to R-1, Low Density Residential.

Mr. Rose read the ordinance for the first time.

Alderman Austin 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 Santos explained it was in the part of town where they were seeing this kind of rezoning. It was urban sprawl, but if it was annexed into the city they can control the development out there. He was going to support it.

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

Mr. Rose read the ordinance for the third time.

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

ORDINANCE 4254 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RZ 00-17.00
An ordinance approving rezoning request RZ 00-17.00 submitted by Northstar Engineering on behalf of Emad Damen for property located at 2323 Deane Street. The property is zoned R-1, Low Density Residential and contains approximately 1.47 acres. The request is to rezone to R-2, Medium Density Residential.

Mr. Rose read the ordinance for the first time.

Alderman Davis stated it was his understanding they were wanting to put six additional duplexes out there, plus the two existing units for a total of fourteen units.

Mr. Richard Maynard, an area resident, stated he was representing the Asbell Neighborhood Association. He stated they were concerned about how and where they fit into the community. They were not opposed to it, however, it was going to have an effect on the rezoning in the future. Anytime there was a rezoning in the neighborhood they were going to address it, because the decision did affect them directly and indirectly. Their concern with this particular rezoning was density. He thought R-2 needed to be looked at for its definition at some point. He questioned the meaning of R-2 zoning. Mr. Damen had agreed to sign a bill of assurance. He knew they could not require a bill of assurance, but this owner had been willing to give one. Their second concern was a larger one, precedence. They were afraid that if this was approved the next one would point to this one, with the density getting greater each time and probably without bills of assurance. They were afraid of the domino affect with rezoning. This was a predominately R-1 neighborhood. Affordable homes were an option for the property. Mixed uses were also an option, a limited commercial use. They need something like that. They would address any rezoning in the neighborhood. He asked that the council ask "why" rather than "why not" when considering rezoning. He asked if the council were to approve the rezoning would it set a precedent or obligate them to rezone the adjoining properties the same way. Addressing the current rezoning request, he addressed some reasons why they should approve it. It fits. It completed the square of R-2 property. He did not see it increasing that much traffic or putting a drain on the infrastructure. He did not know about the drainage. He asked the council to keep them in mind when considering these types of rezoning.

Alderman Young asked him to clarify if they were in favor of the rezoning with the bill of assurance.

Mr. Maynard replied they were okay with it. They were concerned that it would start a trend. He was concerned if it would legally start a trend.

Alderman Russell stated they wanted to make sure that they were reserving their right to express concerns about rezoning.

Mr. Maynard stated they were concerned that this would escalate. And they would lose their neighborhood bit by bit.

Alderman Davis stated he felt they had to look at each rezoning on their own merit.

Alderman Trumbo stated there were nine planning commissioners and eight aldermen. Every case would be interpreted differently by the individual.

Alderman Young thought that was what the neighborhood was looking for was a case by case judgement.

Mr. Maynard stated he wanted some kind of plan for this area. The area needed a plan to be filled in. They were concerned about rezoning in the area. Some of the residents have lived there over forty years. At this time in their lives they should not have this kind of worry.

Mr. Rose stated the courts had considered and agreed that the rezoning of a piece of property does not make it automatic that it should be chain reaction through the community. It does not. The Supreme Court of Arkansas has talked about this in several cases. The decision was going to be left up to the council. There was no automatic rezoning or precedent set. Because if they thought about if they were to start, they would never stop. The courts have considered it and they have agreed with Mr. Maynard that the other rezoning should not be a consideration.

Alderman Daniel stated she use to live on Deane Street. She liked the description of the development. She thought it looked like it was nicely planned. She liked the fact they were going to leave the houses that fronted Deane Street. She thought it was important to have homes there. She noted the duplexes would be behind them. But, she was concerned about having too much rental property in the area.

Alderman Santos suggested leaving the rezoning on the first reading.

An engineer from Northstar Engineering, stated they were sensitive to the concerns of the neighborhood that was why they had recommended their client to give them a bill of assurance. They had decided to keep the homes to keep the look of the neighorhood. He stated he would keep the neighorhood involved during the large scale process, as far as the design, how they would look. The owner wanted to make sure that everyone was happy with what they were doing.

THE ORDINANCE WAS LEFT ON THE FIRST READING.

RZ 00-18.00
An ordinance approving rezoning request RZ 00-18.00, submitted by Richard Grubbs on behalf of Tommy and Jodi Holland and Richard and Mary Osborne for property located on east Appleby. The property is zoned R-1.5, Moderate Density Residential and contains approximately 2.5 aces. The request is to rezone to R-O, Residential Office.

Mr. Rose read the ordinance for the first time.

Alderman Trumbo stated this rezoning was located next to the Northwest Nursing facility.

Alderman Davis stated he thought it was also in line with the surrounding property.

Alderman Young thought it was a good transition rezoning.

Alderman Trumbo 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 first time.

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

Mr. Rose read the ordinance for the second time.

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

ORDINANCE 4255 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

AD 98-8.00
An ordinance approving AD 98-8.00, Administrative amendment to Chapter 172 "Parking and Loading" of the Unified Development Ordinance, Section 172.01 (D)(1) "Standards for the Number of Spaces by Use-Off Street Parking" to revise the required parking for eating places (restaurants).

Mr. Rose read the ordinance for the first time.

Ms. Dawn Warrick, Associate Planner, explained the current required parking was one space per 200 square feet. That was not proposed to change. What the ordinance proposes to expand the range for spaces in restaurants. This proposal was taken to the Planning Commission in 1998, with just to have the minium requirement of 1 space per four seat plus one per employee. The Planning Commission had not approved that, believing that it would be detrimental to the business in the downtown and Dickson Street Area. They felt that would increase the number of required spaces above and beyond what they were currently required to provide. This time the staff had recommended to maintain the one per 200 square feet for the restaurants in the areas where spaces were tight and they did not need the additional parking, but it would provide additional spaces without having to go through the conditional use conditions for those restaurants that were on larger lots that their chains demanded larger ratios. They had seen in the past few years an increase in the number of conditional use request for additional parking for those restaurants not in the downtown area. The 20% that they were allowed to go over was not meeting the chains needs, especially not their corporate ratios. Most of them had specific ratios they had to meet in order to develop. The staff has found that the one per four, plus one per employee on the maximum shift was a general average for what the restaurants have been requesting before the Planning Commission. They were proposing maintaining the one per 200 square feet as a minium, then placing a cap of one per four seats, plus employee. Currently there was no maximum, it was just a requirement. They were increasing the maximum number of parking spaces.

Alderman Santos stated he would rather decrease the maximum rather than increase it.

In response to questions, Ms. Warrick explained the way the current ordinance was written each use had different number of spaces required. In the section called Maximum number of spaces, it allowed for 20% in addition to the minimum number of required spaces. Once they got to the 20% excess, if they asked for additional parking , it required a conditional use from the Planning Commission. They were hoping that the ordinance would come more in line with what people were requesting. That they were eliminate some of those conditional use request.

Alderman Russell asked if the restaurant were asking for the conditional use because they actually needed the parking for the customers or because their corporate headquarters were requiring them to have the parking.

Alderman Santos stated they designed the parking for the maximum day. There would be only one day a year that these parking lots would be full, if they were allowed to build them as large as they wanted them. Downtown there was the opposite problem. There was no room to build parking.

Ms. Warrick stated they had found that it was both. They did have requirements, but they were not trying to cater to that. They were trying to get it in line with what they saw working throughout the city. In the downtown area, if they were to raise the maximum or minimum then they would be penalizing the people in C-3 and C-4 districts. They only had two options. They could request a shared parking agreement be approved or that a fee in-lieu be paid. That was $1,200 per space. If they were to raise the one per 200, then they would incur greater expenses or have to find shared parking with more neighbors to meet the requirement, when they added additional square footage to existing restaurants or spaces downtown.

Alderman Young stated he could see designing for a peek time each week. He did not agree with designing for a peak day, for only one day a year. How were they generating the numbers.

Ms. Warrick stated there was a listing in their packet of through out the country the parking requirement for restaurants. It was based on the number of people seated in the restaurant, the number of seats in the restaurant could not change a whole lot because of the occupancy codes that had to be approved by the fire marshal. They should maintain a constant number of seats.

Alderman Santos stated he thought they should be limiting the number of spaces and encouraging them to build smaller parking lots and the one day a year when the parking lot was full, may be people would car pool or use the downtown area. He stated he was completely against raising the maximum number.

Alderman Austin stated common sense told him that economics would regulate a lot of this. People were not going to buy high dollar property and add a lot of unnecessary space. He was opposed to extra regulations, just to move business downtown.

Alderman Reynolds stated this change should help with all the waiver request they were receiving.

Alderman Santos stated those waivers should not be approved. They did not want to encourage people to build parking lots that weren't really needed.

THE ORDINANCE WAS LEFT ON THE FIRST READING.

SHILOH DRIVE

1) An ordinance approving a bid waiver with McClinton Anchor to allow the reconstruction of approximately 240 liner foot of Shiloh Drive from the existing AHTD right-of-way east to the new Shiloh Drive extension at the CMN property line, including the radius and intersection of Northwood Avenue; 2)approval of a construction contract with McClinton Anchor in the estimated amount of $43,300.00 for the above described street reconstruction; 3) approval of a 15% project contingency of $6,495.00 for material/construction testing and variations in final quantities.

Mr. Rose read the ordinance for the first time.

Alderman Trumbo stated he thought it made a lot of sense. The bid waiver was for McClinton Anchor because they had done all the work on the infrastructure for CMN. He thought this would help the traffic flow in the area.

Alderman Young asked if the upgrade was because of CMN Business park and there would be a bunch of commercial building out there.

Alderman Santos stated the way it read was that it was to accommodate the increase traffic from CMN, which looked to him like CMN should have paid for it rather than the city, but it was a through street which was going to carry through traffic.

Alderman Young stated the tax payer had already paid an impact fee to the developers in the tune of a million dollars. He would not be voting for it.

Alderman Davis stated this would help the residents that had to go into Sandpiper and Northwood. That street had not had anything done it in a long time.

Alderman Santos stated it looked like a CMN generated need, which they should pay for, but it was a through street.

In response to questions, Mr. Venable stated there had been a lot of work done when CMN come in along Gregg and Joyce. CMN was developing all the streets within this area. There was a traffic study done that had the difference in the traffic on these streets. He believed there were some cost estimates done at that time that CMN was supposed to pay.

Alderman Trumbo noted 65% of the city's sales tax came from that area. He thought the city would recoup some of their cost in sales tax.

Alderman Daniel stated she was all for the street, but she would like to revisit the funding.

Mayor Hanna stated that had all been done at the large scale development phase. They did not have to reconstruct the street, but it did not look good. The main reason they were doing it at this time was because the contractor was in there working and they could do it cheaper. And then have a nice road. When that project was finished out there and bring over a million dollars a year in sales tax, it was not going to take long for the city to recoup the monies they have spent. They would recoup their money a whole lot quicker than the people that owned the property.

Alderman Russell stated one of the first votes that he had taken was to oppose the million dollars they had given the developers for the construction of Steele Boulevard. He believed they would recoup their money, but did not think that was a good reason to use taxpayer money to support a private development. He stressed the need for an impact fee.

Mr. Venable explained CMN was building part of the Boulevard and the city was financing the other half of the boulevard. That was the decision that had been made. Two lanes was what the developers have been building on everything. Anything above that was what the city was paying.

It was not only this one, it was any of them that had more than two lanes. The city was putting up the money for the additional two lanes. For the bridge and Steele Boulevard down to Van Asche. The rest of all the development, the developer was paying for. The city would have to maintain it when it was complete. All of it was on the master street plan. This street, Shiloh Drive, was also on the master street plan. The city's master street plan called for a boulevard type construction through that area. Any developer has only been required to build two lanes and the city had been building the other part, however wide it is.

Alderman Daniel asked what had happened to the impact fee idea.

Alderman Young stated the committee would be taking oral presentations at the end of this month.

Mr. Jeff Erf, Resident, stated the major benefit would be CMN Business development. He was wondering if there had been any traffic studies done that would show that there would be through traffic through that road or were they just assuming that.

Mr. Venable stated there had been a traffic study done when they first come through. It was going to be a through street and there would be a lot of traffic generated on it, when it was fully developed.

Mr. Erf asked why the city had not considered this a cost share project, like they had on other projects. What makes this different. That the city is paying the entire amount. He was referring that section of Shiloh Drive.

Alderman Young explained this section was not on their property. It was an existing city street.

Mr. Erf asked if the City ever cost shared off-site improvements.

Mr. Venable stated they have cost shared in some of the projects going on.

Mayor Hanna explained the developers were occasionally required to do off-site improvements. Those were generally worked out at Planning Commission level.

Mr. Venable stated all the work done out in the Mall area with the widening of Hwy 71 was all apart of a cost-share from the mall and some of the others. Joyce Boulevard extension was cost-sharing. Mudd Creek Bridge was cost-sharing with several of the developers including CMN. He did not recall this being one. It was based on the traffic study. The traffic study was done by Peters and Associates for the whole thing.

Ms. Barbara Moorman, an resident, stated there were definately minuses for some people, especially for people living in the near by subdivision. She was all for free enterprise, but they wanted to subsidize it, but they did not want to put any regulations on it. This was going to be a through street, but the only reason it was going to be a through street was because of CMN. The contractor was CMN Contract. The next item was for Milholland. Milholland had worn several hats for this project. She stated what they were doing, however they were describing it, was subsidizing free enterprise. She thought the city should make CMN pay for this one.

Mr. Rick McKinney, an area resident, he did not believe they needed to pay for more road in the area. He discouraged them from supporting or contributing any more money to this developer.

THE ORDINANCE WAS LEFT ON THE FIRST READING.

SHILOH DRIVE
A resolution approving a letter contract in the amount of $5,000 with Milholland Company for engineering design, construction staking, construction management and as-built drawings for the reconstruction of approximately 240 lf of Shiloh Drive from the existing AHTD right of way east of the CMN property line and the intersection with Northwood Avenue.

Mayor Hanna explained this item was mute at this time. The money was for the engineering necessary for the other item.

Alderman Russell moved to table the item. Alderman Young seconded the motion. Upon roll call the motion carried unanimously.

THE RESOLUTION WAS TABLED.

SALES TAX FOR LIBRARY
An ordinance levying a one-cent sales tax for the period of eighteen months for the consideration of a new Fayetteville Library and setting an election therefore.

Mr. Rose read the ordinance for the first time.

Alderman Young asked if the wording in the middle was what was commonly called the ballot title.
Mr. Rose replied what would be on the ballot was in section three of this ordinance.

Alderman Trumbo stated this had been out in the public for a long time. They have gone the extra mile. He noted the twenty-two million dollars is basically what they could have paid for the town center, the Jones Center, and the new Springdale Library all together. It was a lot of money for a library, but it was going to be the nicest library in all the surrounding states. All they were doing tonight was to expedite it going to the citizens of Fayetteville, so they could get the sales tax for this Christmas Season. He would not be for this if it was a property tax. A sale tax would mean that people from outside the city would be helping pay for it. This mechanism will save about 19 million dollars in interest if they did a bond issue. He like the eighteen-month sunset on the tax.

Alderman Daniel stated the election would be August 15, when most people would be back in town. She thought this was a great project.

Alderman Russell stated the only objections he had heard had been that it was a sales tax rather than a property tax. He generally was in line with those people objecting. He generally did not prefer sales taxes. Until, the sales tax was taken off groceries and medicines. The sales tax was regressive and was hard on poor people. He generally did not support sales tax and would rather have an income tax or a property tax. But he was planning on supporting the calling of the election and he did plan to vote for the sales tax.

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.

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

Mr. Rose read the ordinance.

Mr. Erf asked if it was possible to attach the references to the document.

Mr. Rose replied he could give them to the clerk to put in the file with them.

Mr. Erf asked if the City had planned to mail out an informational brochure.

Ms. Louise Schaper stated they were working on an informational brochure, but that they had not planned to mail them out. That was a major expense, but they were working on flyers and information about the sales tax and about the project.

Alderman Santos stated he did not normally go along with sales taxes. They were regressive and unfair, but in this case they were paying twenty-two million rather than forty million for the library. Even though it is a regressive tax, everyone was going to pay half as much as they would because they would not be paying for the financing. They were getting the library for half price but financing it with the sales tax rather than the bond issue.

Mr. Erf asked if there would be an overlap of sale tax and a tax for the sewage treatment plant. He asked if a year from now if they would raise sales taxes again.

Alderman Trumbo stated it would have to come back to the voters again.

Mr. Venable stated what they would like to do and they have not figured out exactly how they were going to finance it yet, in that they might ask the people for a sales tax. It would not be an increase, but may continue this tax. This one would run eighteen months, then the other sales tax would pick up.

Mr. Erf asked for clarification on the intent if the City could contribute to the library if they were to go over budget.

Mr. Rose stated the intent was not vague it was to allow the city, if they wish to, to give additional money to this project. It would require a vote of the city council. He did not know that the Library Board had asked or will ask. It was there to allow such, if any time in the future they wished to.

Alderman Russell clarified in the section that read, "we determine that the remainder of the cost can be raised from other sources." That meant sources other than the tax and not sources other than city money.

Mr. Rose stated that was correct. This left it open, if at any time in the future they want to add to the library they could do so at any time.

Ms. Schaper stated the wording was very important, because there have been libraries who have received monies from the State Legislature.

Mr. Rick McKinney, an area resident, stated he was glad to see a sales tax opposed to a property tax.. He was speaking for the Washington Willow Neighborhood Association. He asked that they proactively plan to be responsible with what will happen to the old library building.

Ms. Schaper replied that had been a subject of concern. She thought there were three choices, one could retain it for some function, sell it for offices or condos. It was a very marketable piece of property. She recommended a task force be formed to study what to do with the building.

Mayor Hanna stated the city would be very careful about what would go in there. It was in the historic district. It would have to be a use that would be compatible.

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

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Mr. Rose stated he needed a separate vote on the emergency clause.

Alderman Austin moved to approve the emergency clause. Alderman Trumbo seconded the motion. Upon roll call the motion carried unanimously.

ORDINANCE 4256 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

FIRE WORKS
An ordinance allowing Tyson Foods to use fireworks for the singular occasion of their 65th anniversary celebration at the Washington County Fair Grounds on July 27, 2000.

Mr. Rose read the ordinance.

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

Mr. Rose read the ordinance.

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

Mr. Rose read the ordinance.

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

ORDINANCE 4257 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Meeting adjourned 8:45 p.m.