MINUTES OF A MEETING
OF THE
CITY COUNCIL
AUGUST 20, 2002

A meeting of the Fayetteville City Council was held on August 20, 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, Marr and Bechard, City Attorney Kit Williams, City Clerk Heather Woodruff, Staff, Press and Audience.

AUDIT COMMITTEE REPORT

Mr. Adam Motherwell stated they had an unqualified or clean opinion for the City of Fayetteville for the year ending December 31, 2001. There were no exceptions.

CONSENT

APPROVAL OF THE MINUTES

AUDIT SERVICES: A resolution approving an agreement with Baird, Kurtz and Dobson (BKD) to provide the City of Fayetteville with independent audit services for calendar years 2002-2006.

RESOLUTION 124-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

AIRPORT GRANT: A resolution authorizing the application and acceptance of a FAA grant for design and engineering services for the extension of Taxiway A on the east side of the runway at Drake Field.

RESOLUTION 125-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

AIRPORT PERSONNEL: A resolution approving the addition of a new position to the airport staff of Flight Line Operations Supervisor.

RESOLUTION 126-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

SOLIDWASTE CONTAINERS: A resolution authorizing the purchase of additional two and eight yard containers for use by the Solid Waste and Recycling Commercial Customers. Purchase authorization up to $72,758.

RESOLUTION 127-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

BOYS AND GIRLS CLUB: A resolution approving a change order to a cost share agreement in the amount of $5,296.00 with the Fayetteville Youth Center for the installation of a haul road to the Donald W. Reynolds Boys and Girls Club Facility.

RESOLUTION 128-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

DUNCAN AND ASSOCIATES: A resolution approving the second amendment to the professional services agreement between the City of Fayetteville and Duncan Associates and to direct the consultants to prepare initial and final drafts of the water and wastewater impact fee ordinance.

RESOLUTION 129-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

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

OLD BUSINESS

RZN 02-15.00: An ordinance approving rezoning request RZN 02-15.00 as submitted by Dave Jorgensen on behalf of Larry Garriott for property located north of Persimmon Street and west of 46th Street. The property is zoned A-1, Agricultural and contains approximately 57.82 acres. The request is to rezone to R-1, Low Density Residential; and to accept the attached Bill of Assurance. The ordinance was tabled on the second reading at the August 6, 2002 meeting.

Alderman Davis asked to table the item because they were having a neighborhood meeting on Thursday night.

ORDINANCE WAS TABLED ON THE SECOND READING.

RZN 02-17.00: An ordinance approving rezoning request RZN 02-17.00 as submitted by Dave Jorgensen on behalf of Bleaux Barnes and Sam Mathias for property located south of Deane Street, west of Sang Avenue and east of Porter Road. The property is zoned R-1, Low Density Residential and contains approximately 21.03 acres. The request is to rezone to RMF-6, Low Density Multi-Family Residential. The ordinance was left on the second reading at the August 6, 2002 meeting.

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

Mr. Williams read the ordinance.

Mr. Jorgensen stated they had met with the surrounding property owners. They would like to incorporate a park in their green space.

Mr. Richard Maynard, an area resident, stated they had met on May 23. The neighborhood association was fine with this development. He personally thought this was infill development and not urban sprawl and smart growth.

Alderman Marr stated there had been a lot of discussion at Planning Commission on whether or not the increase density would be a hardship or undesirable increase on the load of public services. He was concerned if they were really able to meet the sewer facility capacity. It was their responsibility to make sure they were not approving things that later they would not have the ability to service. He wanted to verify that in regard to water and sewer facilities at the time of development, engineering division would make a recommendation on what improvements were necessary to this load and they were going to able to handle this for this property.

Mr. Boettcher stated at the time the large scale development or subdivision plat was submitted Engineering would then review the plans. The developer's engineer would project what their needs were, then the city would evaluate their estimate for adequacy to serve that need. As far as waste treatment capacity at this time, they had some indication that they were nearing capacity, however, they were not having effluent violations. The plant overachieved its standard. They had a margin by nature of good performance. He thought they State would work with them on expansion and growth as long as they were moving forward on their wastewater project.

Alderman Jordan asked what the capacity was.

Mr. Boettcher stated in terms of average annual flow they were running at 98%. That was on an average annual bases. The treatment plant had a number of systems and components. They were rated based on flow, loading, detention time, service loading rates. Their treatment plant was a mixture of components. They have had no affluent violations. They do not see anything that causes a problem. The growth did not seem to pose any difficulty for the treatment facility.

Alderman Santos asked if they had any plans to not accept any more customers from other towns and to reserve capacity for city residents.

Mr. Boettcher stated Farmington was limited to a number of services that they could add due to a sewer lift problem. The city's biggest problem is the wet weather flows.

Alderman Marr stated it would be beneficial if they had some idea of the number of units that moved it towards capacity, then they could take into account the impact they were going to stress the system with. He was hesitant to keep approving things without understanding what each of these were doing towards moving them towards the maximum limit.

Alderman Jordan stated he believed it was approximately 1100 units that would move it up a percentage. He thought that they had approved nearly 700 units. He thought they should be concerned about that.

Alderman Young asked if the city was still giving the developers a letter stating that they were not guaranteeing sewer hook ups.

Mr. Boettcher stated they were not. When the sales tax issue was passed it was no longer added to the subdivision plats.

Alderman Marr asked why they would have eliminated that.

Alderman Young stated he thought the letter should be given out. Just because the bond issue had been passed it did not mean that the plant was going to be on line in five years. Right now they did not have a discharge permit. They did not have a whole lot of things in place in order to get a plant under construction. Until that time, he did not see how Fayetteville could guarantee sewer hook ups.

In response to questions, Mr. Boettcher stated he was looking for the new plant to be on line in 2005 or 2006, approximately four years.

Mayor Coody stated businesses were wanting to come to town, but they were going to go north because we could not guarantee that they would have sewer.

Mr. Williams stated the city did not guarantee sewer capacity. They were working at this point to increase their capacity. The best estimates they were going to be able to handle normal growth until the new plant came on line. They did not have to give a notice that they did not guarantee that they would have capacity. If the council would rather have the warning placed back on the plats, he was sure that could be done. It was more critical before they knew whether or not they were going to be able to build the new plant.

Alderman Young stated he did not see the point on putting it on the plat, unless it was the preliminary plat. He was concerned that a developer would come in and get a preliminary plat approved, and the city was saying he could hook up, but then they could not. If someone was to build a five or ten million dollar development and could not hook up to the sewer, than what was the city going to do?

Mr. Williams stated he did not think that was going to happen. The voters had passed the sales tax and they were going to get a new plant and they would be able to continue.

Alderman Bechard stated he did not understand how they could be at 99% capacity, but yet they were able to handle the growth for the next four years.

Mr. Boettcher stated the waste water treatment facility had experienced extreme variations in flow particularly during wet weather. That was where they had their violation before because of overflows into the streams. During those periods that they had wet weather flows they might see 30 mgd at their 12 mgd plant. Their permit required them to meet their limits every day. The treatment plant had to be able to acuminate this large fluctuation in flow. That was where they ran into difficulty in their current system. The wet weather flows drives a lot of that problem. Residential flows or base loadings, the plant handled up to 30 mgd, during these rain fall. As they add homes the plant operator readjusted aeration rates and recirculation rates. They are able to accommodate that base loads with only process control adjustments. It was the wet weather flows that drive the plant over the edge and have driven the improvement project. Growth was a level load that added into the plant. They can predict it each day and set up the process controls and treat that. It was the fluctuations that have driven this project.

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

ORDINANCE 4410 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

NEW BUSINESS

OFF STREET PARKING: An ordinance amending Section 172.01, Off-Street Parking Lot Design Requirement, of the UDO to provide a method for reducing off-street parking requirements for properties that share a common parking facility and to revise parking ratios for certain uses.

Mr. Williams read the ordinance.

Mr. Tim Conklin, Planning Director, stated the ordinance would allow mixed use developments to share parking when they had non-conflicting parking demands between the uses. They were also bringing forward an ordinance amendment with regard to parking ratios. Those were included within the ordinance. They had checked with the high schools on their parking spaces provided. They provided about one space per 3.2 students. One of the issues the Planning Commission had dealt with in the pass was the additional parking requested by restaurants. It has been such a disconnect between what is actually needed and what is allowed in Fayetteville. They have received negative responses to even looking at Fayetteville to even development restaurants in Fayetteville. They were trying to provide a ratio that doubled the amount of parking allowed for restaurants and also allows for thirty percent over the ratio that the were using. To give a minimum and a maximum. When they increased the number of parking spaces, they also increased the amount of land area for landscaping required in the parking lots.

Alderman Davis asked if there would be fewer variances in the future.

Mr. Conklin stated that was the idea. If they had an ordinance and they had to grant a waiver or a variance over and over again, it was time to look at their ordinance.

Alderman Davis stated he was concerned about the high school ratio. It was very difficult to park their now and when they had sporting events it was very difficult to find parking.

Alderman Young stated he did not see it as a problem on Dickson because he had not seen anyone building a parking lot. They would get a waiver. He was concerned about what the school was going to do about their parking policies.

ORDINANCE WAS LEFT ON THE FIRST READING.

OUTDOOR LIGHTING: An ordinance that minimizes the impact of outdoor lighting on adjacent properties and improves nighttime visibility.

Mr. Williams read the ordinance.

Mr. Conklin stated they had regulations that talked about shielding and directing lighting downward and away from residences. They did not talk about the amount of light could spread across the property line and into a residential yard. This ordinance attempted to clarify that and to provide for lighting that was cut off based on certain lumens. The ordinance would apply to all zoning districts with the exception of single family and two family units. Any fixtures that were replaced must comply with the ordinance. The exemptions that are provided within the ordinance include temporary outdoor lighting, construction or emergency lighting, fossil fuel fixtures, landscape lighting, airport lighting, security lighting, search lights, and egress lighting. Blinking, flashing, and animated lights as well as lights on tower are prohibited unless required by the FAA. Lighting standards to reduce light trespass are based on IESA Standard. Upward lighting was allowed as long as 95% of the lighting was reflected back down. Horizontal lighting was allowed as long as 90% of the light falls on the façade, monument, or architectural feature. Non cut off fixtures were allowed for bulbs of 260 or less lumens. Semi cutoff fixtures were required between 261 and 8500 lumens. All fixtures must me fully shielded and reduced glare. Basically most developments were complying with this ordinance. The problem they were having was when people were installing flood lights to illuminate an out door storage area or parking area and they were not designing it in a manner that they could use cut off lighting.

ORDINANCE WAS LEFT ON THE FIRST READING.

RZN 02-21.00: An ordinance approving rezoning request RZN 02-21.00 as submitted by Dixie Development for property located at 10 Bishop Drive and 35 Appleby Road. The property is zoned A-1, Agricultural and contains approximately 17.39 acres. The request is to rezone to R-O Residential Office.

Mr. Williams read the ordinance.

Alderman Bechard stated he would be abstaining from this item.

Ms. Pam Jones, Dixie Development, stated they were requesting a rezoning. She presented an overview of their firm and their proposed project. She stated they had tried to go above and beyond in their commitment. They had signed a bill of assurance. Dr.

Israel had volunteered to do a couple of things that were above and beyond what was required, like the walking path and additional screening.

Alderman Thiel stated it was apparent that there would be a need for a street that was not residential to lead the hospital. She questioned the width of the proposed street.

Ms. Jones stated they had planned on a two lane, but they would decide that during the large scale development. They did not want to overbuild, but they would also be willing to do a three lane.

Alderman Thiel stated she thought a three lane would be needed if it was going to be used as access to the hospital.

Alderman Marr questioned the intent of the "two-story offices with the exception of the north side of the property". Was that a percentage change or one lot change? How would they monitor it?

Mr. Conklin stated he did not draft the bill of assurance, but he would interpret it to mean one lot adjacent to it.

Alderman Reynolds asked Dr. Israel if he would build a three lane road.

Dr. Israel stated they would determine it during the large scale development. He was not against it, they had offered it. They have offered the right-of-way, sixty feet. If the city wanted a three-lane road, he thought they should chip in and pay for part of it. They only had to put in two-lanes. They would give them the right-of-way. They would build the two-lane road, it seemed reasonable that if they wanted more traffic down the street that they would pay for it.

Mr. Williams stated a bill of assurance was a voluntary offer made by a developer. It was not something that they could request or suggest what the terms should be. The developer could offer what ever they wanted to. He did question for clarification, "the property would remain single story as long as the surrounding property remained R-1 and R-2." Was it his intent that as long as the surrounding property remained residential.

Dr. Israel stated what he meant was that if twenty years from now Washington Regional was to the point where they had to build a second or third skyscraper and they buy up all the property surrounding them, that they would have the right at that point to tear the existing building down and replace them with larger buildings. Their intent was not to change if one lot changed. If they allowed an entire subdivision to change and that if the area became a C-2, thoroughfare commercial or R-O, or multi-story residential they would like to be relieved of that provision. He stated that it made sense that the area would not always remain residential.

Mr. Williams state he would work with Dr. Israel on the wording.

Alderman Young stated he agreed with Dr. Israel that the development would only require a two lane road. If the city thought it needed a three lane road, then they should pay for it.

Ms. Debra Bunchold, An area resident, stated she was in support of the development.

Mr. Chip Arledge, an area resident, stated there seemed to be a disagreement on this development. There was no cohesiveness. He suggested that the city follow their General Plan 2020 and their policy on connectivity. In the short term what this developer was proposing, the through street through the property, would be helpful to those people who live on Quail Creek. The Planning Commission had chosen to ignore the 2020 Plan and the wishes of the past councils. They could not insist on connectivity in the future without practicing it in the past. He suggested they extend Drake Street so that it went to Gregg Street, thus forming an east west corridor from College Avenue to Hwy 112, Garland Avenue. Widen Gregg from the bypass and make it four lanes. In the long term it would lessen the amount of traffic on Quail Creek Drive.

Mr. Greg Harton, an area resident, stated he thought that this proposal would offer a good opportunity for a through street that would relieve some pressure from the residential area. It would move it to an area more appropriate for that type of traffic. He did not believe the rezoning would eliminate the possibility of the city extending Drake Street. He encouraged them to take a comprehensive approach to some street improvements in Fayetteville. He had been impressed with Mr. Israel's other developments. He thought multi-family housing was more likely to be developed there if it was not residential office. He preferred the residential office. He encouraged them to approve the rezoning.

Ms. Sharon Davison, an area resident, expressed concern over traffic and the sewer capacity.

Mr. Jim Hunt, an area resident, stated his concern was the north south corridor. He knew they were going to do what was best for the community. He supported this rezoning.

Alderman Davis moved to suspend the rules and move to the second reading. Alderman Thiel seconded. Upon roll call the motion carried 7-0-1, Bechard abstaining.

Mr. Williams read the ordinance.

ORDINANCE WAS LEFT ON THE SECOND READING.

RZN 02-22.00: An ordinance approving RZN 02-22.00 as submitted by Tom Shackelford for property located at 2975 Old Farmington Road. The property is zoned A-1, Agricultural and contains approximately 1.32 acres. The request is to rezone to R-1, Low Density Residential.

Mr. Williams read the ordinance.

Alderman Davis 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.

ORDINANCE WAS LEFT ON THE SECOND READING.

ZONING CLASSIFICATION: A resolution to be filed by the City Planner directing the Mayor, Urban Development Department and the City Planning Division to refer to the Planning Commission an official request for a rezoning study and zoning map amendment to change the zoning classification of an area shown as R-2, Medium Density Residential to R-1, Low Density Residential for those areas that have 15% or greater slope as depicted on the slope analysis map in General Plan 2020 and including other areas zoned R-2, where recorded platted subdivisions exist with substandard infrastructure.

Mr. Conklin stated the Council had expressed concern with regard to development on slopes within Fayetteville. They had also expressed concern about development in subdivisions that had been platted and recorded, but the infrastructure was never installed. This resolution requests that they take a look at these areas that were zoned R-2 and contain slopes over 15% and areas that have paper subdivisions, where infrastructure has not been installed, and to look at rezoning those properties to R-1. This was something that their General Plan 2020 did support. It talked about minimizing dense residential or forms of development on steeper slopes. This resolution if passed would be filed with the Planner, they would then bring it to the Planning Commission. The Planning Commission would then make a recommendation. Their recommendation would then be brought back to them.

Alderman Thiel stated the last citywide zoning was done in the 70's. Many areas had been blanket zoned R-2. In 1987, work began to revise and update the General Plan. After extensive public meetings the 2010 and the 2020 Plan were adopted. The City needed to follow the guidelines of the General Plan 2020 to ensure the efficient expenditure of their public funds. In response to questions, Ms. Thiel stated not all projects went through the large scale development process.

Mr. Conklin stated the stormwater and grading ordinances did apply to anything over a duplex. The question is, was it appropriate to have up to twenty-four units per acre in area where they had a slope over 15% or paper subdivisions, with infrastructure that has not been installed. When someone comes to their office they relied on their zoning information and their ordinances. They made recommendations. The staff did make a recommendation that, the most recent appeal that they heard; they did not follow their recommendation and denied the development. If there was a problem with regard to the density in this area, he felt the City Council should address it. He wanted to make sure that the public could rely on the ordinances that they had and what was in place. It was a challenge. This infill development was not easy. There has been infill development that has been positive that has taken them years to do. He requested the City Council to pass this resolution, if they wanted the Planning staff and the Planning Commission to address this. He wanted to make sure that the Council was willing to address this issue and that what ever was brought forward to them that they would be able to act on the recommendation that the Planning Commission would make. The Mill District, staff had initiated that. that specifically was called out in their General Plan, industrial zoning land that was currently being used residential and have been used residential for the last thirty-two years. The neighbors had come to a consensus that a large area of this Mill District neighborhood will be rezoned to residential and will help protect future homes within the area. This was a little different. They did have policies that talked about density controls with their land use plan. They talked about why these areas within Fayetteville that were currently undeveloped have not been developed. These areas typically have slopes over 15% and the infrastructure is not available. Therefore, they have largely remained undeveloped. The City Planning Division has worked on a planned zoning district; it was a combination of zoning and development at the same time. If they passed the resolution and they down zoned certain area, people could apply and bring to the City of Fayetteville high quality innovative development that will enhance the quality of life in Fayetteville. They are working on an ordinance that will allow flexibility and design and allow developers to bring to the city high quality development.

Alderman Davis stated with the Mill District they had met with all the residents. The way he read this resolution was that anything that was R-2 and on a 15% slope would automatically revert back to R-1.

Alderman Thiel stated what they were doing tonight was passing a resolution directing the Planning Commission to study this and to bring them back a map with these areas. She stated she felt there would be ample discussion at the council level. She did not believe this was something that would be passed immediately at all.

Mr. Conklin stated the Mill District was the first area that they had targeted. He wanted to make sure that the Council wanted the Planning Staff and the Planning Commission to look at this area and to give them a recommendation. He wanted to make sure that the City Council wanted to go forward with this.

Alderman Bechard stated conceptually he thought this was the right approach, but he thought when they worked with landowners to voluntarily change their zoning they should advocate it. However, he would not support a blanket statement of changing from R-2 to R-1, if they had 15% slope. If they changed the zoning they would be affecting people's property values. They had to make sure that they were creating an environment where they were not compromising people's quality of life. He supported the approach that they had taken with the Mill District. He did not support a blanket statement that just compromised people's property values.

Alderman Santos stated he had received a letter from Greg House. They were discussing a moratorium on development while they were studying the issue. He did not like that.

Mr. Conklin stated it was a city ordinance.

Mr. Williams stated it was part of the UDO. Often if a study was going to be done then a ninety-day pause would be something the City would be able to do to give them time to look at an area. It was legal, but they did not have to do it.

Alderman Santos stated they did not do that with the Mill District.

Alderman Marr stated they should be directing the Planning Staff and Commission to do this study. They had just turned down a development on an appeal as a result of this. If the Planning Department was bringing forward developments that they were recommending and they were voting against them, then they were doing that for multiple reasons. One of those was infrastructure, traffic study, which lead to density on hill sides and slopes. They jumped to conclusions on what they believe the intent is. He read this resolution to be a study and not a blanket rezoning. For once they were following up on something that they said they needed to look at. He did not know if he would support a blanket down zoning.

Alderman Bechard asked if they could change the wording, "to change the zoning classification of areas shown..." to "to explore options or consider".

Alderman Santos moved to amend the resolution to change the words "to change" to "to consider changing." Alderman Bechard seconded. Upon roll call the motion passed unanimously.

Alderman Davis moved to strike Section 2 and 3 regarding the moratorium. Alderman Santos seconded.

Alderman Young stated the property owners should be notified by registered mail before the first Planning Commission meetings.

Ms. Harriett Jansma, Mt. Sequoyah Association, stated they had been doing research on a study like the one proposed in this resolution. They were prepared to participate with the Planning Division in this study. They believe that by revising this City's zoning and growth plan as proposed in this resolution, they will be taking a positive step toward fulfillment and implementation of the general plan. The result of the proposed change could be the orderly development and best use of valuable land in and near their city's old neighborhoods.

Ms. Marion Orton, League of Women Voters, stated they supported standards which minimize erosion and pollution caused by development on hill sides. They had the stance that intense development on hillsides should be limited. The League supported following the 2020 Plan recommendation for hillside and the proposed resolution.

Ms. Sharon Davision, an area resident, expressed concern about inappropriate zoning.

Ms. Cathy Thompson, Washington Willow Neighborhood Association, stated they should consider the integrity of the older neighbors and how they all fit together and how they wanted them to be in the future.

Mr. Greg House, an area resident, stated he did not oppose the study, but his issue was the issue of moratorium and the lack of notice for them that are in the middle of a project. He did not believe that it was fair to ask them to stop now after the money and time they had spent which would cause them great harm. The 2020 Plan was a plan for the future, not just today. It was for the next eighteen years.

Mr. Ken Marvin, an area resident, stated he had two acres on a hill that was zoned R-2 and has been for forty years. With the new grading ordinance he would not be able to build new upscale apartments or town homes on his land. It was not the fall or the slope of the building on the land, it was how they place their buildings on the land. They need to build with the land.

Mr. Robert Sharp, an area resident, stated he thought the study was a good idea. He felt the run off issue had been dealt with by the grading and drainage issue. They just have not felt the affects yet because not enough projects have been built under the new law. There was undeveloped land on hillsides in Fayetteville, he believed that land would be developed one way or another. If they were built as houses or duplexes, there would be no grading or drainage requirements, so the run off would be greater if it was all single family.

Mr. Jerry Havens, an area resident, stated he wanted the City to take a long hard look at this issue. He would support of removal of the mandatory moratorium.

Mr. Glenn Carter, an area resident, stated his main concern was the moratorium.

Upon roll call the motion carried by a vote of 5-3-0. Jordan, Reynolds, and Thiel.

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

RESOLUTION 130-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

ADVERTISING: Discussion regarding the City's advertising.

Mr. Jim Blankenship, Arkansas Democrat Gazette, presented information to the Council regarding their circulation and pricing based on a cost per thousand.

In response to question, Ms. Woodruff stated last year the City spent close to $89,000 with the Gazette and almost $20,000 with the Morning News. This year, thorough July they have spent $53,000 with the Gazette and $5,000 with the Morning News. Estimating $106,000 with the Gazette by the end of the year.

Mr. Ken Eikenberry, Morning News, presented their proposal.

Alderman Santos stated they should look at the complete packet. There were different things that different papers did better. They needed to look at the different kinds of advertising that they did and figure out which paper was most effective.

Ms. Woodruff stated they had broken their cost down by want ads, legal ads and display ads. In response to questions, she stated in order to get the proposed rates from each of the papers they had to have a contract. To meet their 9,000 inches in requirement for the Gazette they basically had to do all of their advertising with them. The Morning New was asking the same of them. In order to get the proposed rates, they would have to go with one primary paper. They would be able to do duplication in the other paper.

Ms. Renee Thomas, Planning Division, stated they had been doing all display ads since March because it was more cost affective.

Mr. Bechard asked them to come back with a couple of recommendations or proposals verse a broad discussion.

NO ACTION TAKEN.

AUTOMATED CARTS: An ordinance establishing the rate structure and program parameters for an automated cart based on residential trash collection and disposal program.

Mr. Williams read the ordinance.

Alderman Bechard stated if they were getting in to discount structures greater than 20% and 30% they were creating themselves all sorts of financial risk. On a 32 gallon container they were giving a 58% discount. On their projected cart distribution they would be looking at $748,000 deficit. He suggested more a discount of 20% range. He thought they should be closer to the true cost of the rate, while at the same time giving people the incentive the throwaway less and recycle more.

Melissa Terry, an area resident, stated they had conducted an informal survey, the basic result was that 50% of the people surveyed chose the 64 gallon chart. 23% were choosing the 32 gallon, and 27% were choosing the 96 gallon.

Alderman Marr questioned if they were going to have the residential rates more fully fund the program or are they going to rely on the commercial subsidy that they have today.

Alderman Young stated he thought it would be easier for the entire city, if they were to eliminate the subsidy now.

Alderman Reynolds stated he did not believe that they could continue funding the residential. He did not believe their surplus was going to last.

Mr. Dumas stated the distribution of the carts is conservative.

Alderman Davis stated they did not want to have a deficit starting out the program.

Alderman Jordan stated there were large families out there today, he did not believe some of them could afford the proposed rates.

Alderman Young stated they should think about a compromise.

Alderman Santos stated they should go with Dumas' numbers and give it a try.

Mr. Dumas stated he was not in favor of dramatic discounts, but he did not believe that they had to make it all up in one year. If the cart distribution came in like they thought it was going to the subsidy would be couple $100,000 less than what is projected.

Mr. Geary Lowery, an area resident, suggested sending out a rate range survey.

Ms. Melissa Terry, an area resident, stated they should have an oversight committee. She asked them to consider extra services like an additional bag on the top of the cart and amnesty days for extra trash.

ORDINANCE WAS LEFT ON THE FIRST READING.

CONSOLIDATED WASTE MANAGEMENT PROGRAM: A resolution adopting the action plan for implementation of Consolidated Waste Management Program and authorizing bidding for hauling services and container rental to assist in short-term implementation of plan.

Alderman Santos moved to pass the resolution. Alderman Jordan seconded. The motion carried unanimously.

RESOLUTION 131-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

LOPFI 2: A resolution moving the City of Fayetteville Police LOPFI retirement benefits from Plan 1 to Plan 2 as of October 1, 2002.

Chief Hoyt stated this was the first time that they were seeing this, but it had been in the planning stage for some time. LOPFI is a State wide retirement system. He was not affected by LOPFI, he was on a different system. In 1983 the City of Fayetteville had been mandated to go under a State wide retirement system. The system was managed by people in Little Rock and they prescribe the benefits. He asked them if they knew police officers and fire fighters did not have Social Security. If they had a job before or after becoming a police officer where they had earned their forty quarter, they had a Social

Security off set where they were punished for having a private pension. Their government pension would be subtracted from their Social Security. They did not get very much at the end. Currently, the city is only required to pay 6% of their salary. That was cheaper than Social Security. The city put 12% of a civil salary into a 401k. for a non-civil service employee the city put in almost 20% toward a pension benefit including social security. The city receives an insurance turn back from the State which goes into their retirement to help off set the cost. They had the money to pay of the benefit increase this year. This would be a commitment from the Council. The estimated cost for next year, if they went to the new percentage, was $385,130 for the year 2003. That was just $23,000 more than they spent in 2001.

Mr. Steve Davis presented information regarding the long term cost to the city. He also expressed concern about the assumptions made by LOPFI on their actuaries. The city could be facing a 20 to 30% funding increase in their funding to LOPFI before this group of police officers retire. It was a defined benefit plan. When they hire a police officer they by the cost of the future benefits of their retirement plan. LOPFI can only increase 1% per year.

Jason Avorado, FOP, stated the benefit survey will not be presented to them until September.

Tad Scott, FOP, stated they did not want to take away from civilian employees, but they have been working on this for over two years. He questioned what the cost was verses the rewards. The rewards would show that the police officers were appreciated. This was very important to them.

Alderman Bechard stated he thought needed do the Hay study. He hesitated in making long term decision when they did not have all the data in from of them.

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

RESOLUTION WAS TABLED.

Meeting adjourned at 12:15 a.m.