MINUTES OF A MEETING
OF THE
FAYETTEVILLE CITY COUNCIL
OCTOBER 3, 2000

A meeting of the Fayetteville City Council was held on October 3, 2000 at 6:30 p.m. in room 219 of the City Administration Building located at 113 West Mountain, Fayetteville, Arkansas.

PRESENT: Mayor Hanna, Aldermen Reynolds, Davis, Trumbo, Daniel, Santos, Young, and Russell, Assistant City Attorney LaGayle McCarty, City Clerk Heather Woodruff, Staff, Press, and Audience.

ABSENT: City Attorney Jerry Rose and Alderman Austin.

Mayor Hanna stated Alderman Austin lost his daughter on Friday. He asked everyone to join him in a silent prayer for the Austin family.

CONSENT

APPROVAL OF THE MINUTES: Approval of the minutes from the September 5, 2000 meeting.

LIBRARY DESIGN: A resolution approving Phase 2 of an architectural agreement with Meyer, Sherer and Rock Castle LTD of Minneapolis, MN, covering the design and construction phase of the proposed Fayetteville Library. The costs of Phase 2 is $1,450,000 plus expenses not to exceed $95,000. Approval of a budget adjustment in the amount of $1,545,000 is also included.

RESOLUTION 132-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

PANEL SYSTEM: A resolution approving the purchase of AR112A Panel System from Arkansas Correctional Industries in the amount of $20,588.52 and approval of a budget adjustment.

RESOLUTION 133-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

AUDIT COMMITTEE: A resolution establishing an Audit Committee as an advisor, regarding compliance and other audit reporting, controls or accounting issues. The charter sets forth the selection process and the responsibilities of the Audit Committee. The Audit Committee is recommended by our outside auditors. Arthur Andersen and Co. and G.A.S.B.

RESOLUTION 134-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Alderman Davis moved to approve the Consent Agenda. Alderman Daniel seconded the motion. Upon roll call the motion carried unanimously.

OLD BUSINESS

CITY ADMINISTRATION ROOM POLICY: A resolution approving a new policy for reserving rooms in the City Administration Building.

Alderman Russell stated he had met with several members of the staff to discuss the proposed policy. There had been some minor changes made for security reasons.

Alderman Young questioned the word "conference" rather than "meeting rooms".

Alderman Russell stated his intentions were for it to apply to rooms that were typically used for committee meetings and things like that.

Alderman Young stated the only other concern he had was "matters currently pending".

Alderman Russell replied he thought most things fell under city policies, ordinances, or budget. The reason he had added "or matters currently pending before the City Council" actually came out of a conversation he had with Mr. Rose in regards to the Freedom of Information Act. He gave the example of a Free Tibet resolution, which did not fall under normal business, but would allow them to meet with residents if the item was before City Council.

Alderman Santos noted we were not requiring a deposit or rental cost.

Alderman Russell stated he had removed those items when he took out the part about non-profits using the building. If it was a city committee it was not their practice to require a deposit or to charge for that. He wanted to make things easier with regard to the deposit and damages to the building. They did not normally require that when they had city committee meetings.

Alderman Young stated he was assuming that the City Clerk would give this policy to the person requesting the room and by them receiving that policy they were acknowledging that they would be responsible for the damages.

Alderman Russell stated under this policy anyone reserving the room would be someone on city staff, an elected official, a city committee, or a non-profit with which the city contracted or another government entity. If they had a group meeting, like a citizen group, under this policy one of them would be responsible for the meeting and presiding over it.

Kevin Santos moved to approve the resolution. Alderman Reynolds seconded the motion.

Mr. Bob Kittinger, 3820 Gardenia Drive, his main concern was opening up City Hall for business other than just City business. He thought that was what the town center was for. He suggested that they look at developing their town center. They still had an access called, "CAT" he thought that was an excellent place for people to voice their opinions. He would like to see them reserve the City Hall for purposes solely related to the actual conduct of government as opposed to the comment on government.

In response Alderman Trumbo stated the way the policy was written was that a city alderman would have the right to reserve a room of items of interest to use the facility.

Alderman Russell stated the elected officials would not only have to reserve the room, but would have to be responsible for the conduct of the meeting and preside over the meeting. Both the Town Center and the new Library would have more community room space. When those facilities opened, then they could look at this policy again and further restrict it and move some of those meetings to one of those buildings.

Mr. Kittinger stated they needed to look towards those other venues. His concern was having the employees distracted by some of these meetings. He thought they should utilize the Town Center.

RESOLUTION 135-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

NEW BUSINESS

VA 00-8.00: An ordinance approving vacation request VA 00-8.00, submitted by Paul Reynolds, Attorney at Law on behalf of Christine Starmer, Estate of Arlan Starmer for property located at 927 West 15th Street. The property is zoned R-2, Medium Density Residential and contains approximately 0.29 acres. The request is to vacate a portion of the un-constructed street right-of-way for Price Avenue.

Ms. McCarty read the ordinance.

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

Ms. McCarty read the ordinance.

Alderman Davis 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.

Ms. McCarty read the ordinance.

Mr. Paul Reynolds stated it was actually the estate of Christine Starmer. Arlan Starmer was the executor.

Ms. McCarty stated the error would be corrected.

Mayor Hanna asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.
ORDINANCE 4273 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

TELECOMMUNICATIONS SYSTEM: An ordinance approving a bid waiver and contract award for the lease of the Plexar-Custom Telecommunications System with Southwestern Bell Telephone Company.

Ms. McCarty read the ordinance.

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

Ms. McCarty read the ordinance.

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

Ms. McCarty read the ordinance.

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

ORDINANCE 4274 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

MILLAGE
An ordinance adopting real and personal property tax rates for 2000 for General Fund, Policemen's Pension and Relief Fund and Firemen's Pension and Relief Funds. The rate to be adopted for General Fund is 2.0 mils for real property and 2.0 mils for personal property for one year to fund senior/ community center or senior citizen services. The rate to be adopted for the Policemen's Pension and Relief Fund is 0.4 mils for real property and 0.4 mils for personal property and the Firemen's Pension and Relief Fund is 0.4 mils for real property and 0.4 mils for personal property. There is no millage proposed for general government operations.

Ms. McCarty read the ordinance.

Mayor Hanna stated this reflected the rollback from .5 mils to .4 mils for the Police and Fire

Pension Funds.

Alderman Reynolds asked what this was going to cost the Fire and Police Pension plans.

Mayor Hanna stated some of it would be made up with the increase in the amount of property on the books to be assessed. Normally they renewed this millage every year. It was required by law.

Alderman Santos stated they have had quiet a bit of discussion on the Senior Citizen Center.

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

Ms. McCarty read the ordinance.

A citizen asked if the ordinance was in compliance with Amendment 59.

Mayor Hanna stated the ordinance was in compliance. The rollback to .4 mils for the Fire and .4 mils for the Police Pension Funds met the rollback requirement. The new taxes did not have to meet that.

Alderman Santos explained the idea behind Amendment 59 was that as the tax base increased the tax rate decreased. The Fire and Police Funds would not be hurt by the rollback. They would still be getting the same amount of money.

Mr. Butch Green, an area resident, asked if a number of the residents did not claim their refund would it help off set the cost.

Mayor Hanna explained the city's total liability for the Fire and Police Pension Fund was relatively small.

Alderman Young 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.

Ms. McCarty read the ordinance.

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

ORDINANCE 4275 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

OFFER AND ACCEPTANCE: Consideration of a purchase agreement with Burlington

Northern and Santa Fe Railway Company.

Alderman Davis stated the City had offered Burlington Northern $50,000 for this right-of-way. They had responded that the right-of-way was worth $70,000. The item had gone back to the Sidewalk and Trails Committee. They had discussed it and they felt that the city needed to go ahead and purchase the property at this time. They were trying to put a multi-use trail throughout the City of Fayetteville. This trail would go from Sixth Street to Dickson Street. They were looking at possibility making it a twelve to fourteen foot wide trail to be used by bicycles and pedestrians.

Alderman Daniel stated this would tie in with the Mill Street Project. They needed to move ahead too. Their plans were dependant on what the Council did with this offer.

Mayor Hanna stated this part of town had more bicycle traffic than other parts of town.

Alderman Russell moved to authorize a $70,000 offer on the property and request that staff follow the instructions in the September 19, 2000 letter from Ms. Schafer, Rail Property Management. Alderman Reynolds seconded the motion.

Mr. Bob Jordon, an area resident, stated an appraisal had been conducted and the $70,000 was more than the appraised value and was it correct for them more than the appraised value.

Alderman Davis stated the appraiser who had conducted the appraisal was indicating that some of that was bad information. And the information they were now providing them was now worth $70,000.

Alderman Russell stated in circumstances like this where there was an articulable reason to it was legal to pay more than the appraised value.

Upon roll call the motion carried unanimously.

RESOLUTION 136-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

GOVERNMENT CHANNEL PROGRAMMING POLICY: A presentation from the Telecommunications Board on the "Policy on the Use of the Government Access Channel."

Mayor Hanna stated this was a presentation and no vote would be taken on the policy.

Mr. Kevin McDonald, Telecommunications Board, stated the purpose of the revisions was to clarify the criteria for a public forum. What had lead up to the changes was the We've Had Enough meeting and whether or not it constituted a public forum or wether or not it met the criteria. Under the old policy, if it was considered a public forum, then it should have been allowed as content on the Government Channel. A public forum had equal opportunity for everyone to appear and/or equal time. Under the old policy public forums and forum which had to do with particular issues were technically authorized to appear on the government channel. In the new policy in order for a meeting to be considered a public forum there should be a moderator to make sure that everyone had a chance to appear. If there were any disagreements on whether it was being met, it could be appealed to the Telecommunications Board. Any decisions made by the Telecommunications Board could be appealed to the City Council. They were trying to avoid trouble and not to create it. A couple of things that was brought up at the last meeting was the partisan nature of an alderman having a meeting. The new policy limited aldermen or candidates could only appear in a limited public forum venue. It was a work in progress and was probably subject to further review and revision as they went along.

Alderman Trumbo stated his only complaint had been public forums looked like something new that they were going to be doing. He liked the idea of having the government channel being only meetings and government business and not getting into the political forum arena.

Mr. Jim Bemis, Telecommunications Board member, stated he would like to clarify their rolls and who makes the policy for the government channel and the appeal process. They had felt there had been a violation of their appeal process. The appeal process involved no one in the City Administration with the exception of the Cable Administrator. The Board made policy. The City Administration did not. The second line of appeal was the City Council.

Alderman Russell stated the appeal process must be submitted in writing to the Telecommunications Board. He questioned what would happen if the Telecommunications Board did not have time to review the appeal.

Mr. Bemis replied he felt like in the absence of any other route that going straight to the council would be the route to go rather than having someone totally outside the route make the decision. The other part was the use of the Council room and what the cameras represented. The cameras represented a link into the community as a result of the rental or use of city right-of-way. The camera were some peoples only avenue of reaching into this process.

Alderman Russell stated there was now a procedure now in place that if the Cable Board did not have time to hear the appeal, the program should be taped, but not aired until the appeal process is exhausted.

Mr. McDonald read from the policy, "If a programing request is not approved for cable cast on the Government Access Channel, the requesting parties can request the program be video taped pending the out come of an appeal through the Telecommunication Board. All efforts will be made to video tape such programs based on available staff, equipment and other production resources. The program will not be cable cast until the appeal process has been concluded with the reversal of the Cable Administrator's decision." The provision was added in the revised policy.

Mr. Bob Kittenger, an area resident, stated Government Access Channel and City Hall should be used strictly for the day to day conduct of business. Channel 8 or CAT was the a great avenue to voice their opinion.

A citizen asked if a program had been taped for Channel 3 then not allowed to be aired, could it be aired on Channel 8.

Mayor Hanna replied it would be up to the Telecommunication Board, but he did not believe they would have a problem with it.

Meeting adjourned at 7:30 p.m.