MINUTES OF A MEETING OF THE CITY COUNCIL JANUARY 21, 2003

A meeting of the Fayetteville City Council was held on January 21, 2003 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

PRESENT: Alderman Reynolds, Cook, Marr, Davis, Rhoads, Lucas, Jordan, City Attorney Kit Williams, City Clerk Heather Woodruff, Staff, Press, and Audience.

Alderman Marr moved to suspend the rules and add an item from the nominating committee to make an additional appointment to the A&P Commission. There was one appointment at the last meeting to the A&P Commission body, but the Mayor has the responsibility to appointment two individuals, one of those individuals that was previously appointed was Alderman Santos who is no longer on the Council. The Mayor would like to appoint himself. Seconded by Alderman Reynolds. Upon roll call the motion to suspend the rules passed.

A motion was made by Alderman Marr and seconded by Alderman Jordan to add Mayor Coody to the A&P Commission. Upon roll call the motion carried unanimously.

Alderman Jordan moved to approve the Consent Agenda as read. Alderman Reynolds seconded. Upon roll call the motion carried unanimously.

CONSENT

APPROVAL OF THE MINUTES: December 3, 2002

BEVERAGE CONTAINERS: A resolution of support for the beverage container deposit legislation being sponsored by the Arkansas Municipal League during the 2003 State Legislative Session.

RESOLUTION 08-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

CDBG: A resolution to waive the building permit fee and other developmental fees for homes to be constructed by Community Development Block Grants.

RESOLUTION 09-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

HABITAT FOR HUMANITY: A resolution to waive the building permit fee and other developmental fees for homes to be constructed by Habitat for Humanity.

RESOLUTION 10-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

PUBLIC ACCESS: A resolution accepting a contract for public access television services from February 1, 2003 until February 28, 2003.

RESOLUTION 11-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

NEW WORLD: A resolution approving a standard software maintenance agreement with New World Systems, Inc. for a period of three years; and authorizing the Mayor and City Clerk to execute said contract.

RESOLUTION 12-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

HANSEN: A resolution to approve the Service and Maintenance Fees with Hansen Information Technologies for 2003.

RESOLUTION 13-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

OLD BUSINESS

RZN 02-40.00: An ordinance approving RZN 02-40.00 as submitted by Jerry Kelso of Crafton , Tull & Associates on behalf of David Slone for property located behind 3195 N. College and east of Plainview Ave. The property is zoned A-1, Agricultural, C-2, Thoroughfare Commercial and R-1, Low Density Residential and contains approximately 8.84 acres. The request is to rezone to RMF-18, Medium Density, Multi-Family Residential. The ordinance was left on the first reading at the December 17, 2002 meeting and was tabled at the January 7, 2003 meeting.

Alderman Rhoads moved to postpone indefinitely. Alderman Marr seconded. Upon roll call the motion carried unanimously.

RZN 02-41.00: An ordinance approving RZN 02-41.00 as submitted by Norman Moulden for property located at 1504 W. Cato Springs Road. The property is zoned C-1, Neighborhood Commercial and contains approximately 0.33 acres. The request is to rezone to R-2, Medium Density Residential. The ordinance was left on the second reading at the January 7, 2003 meeting.

Alderman Jordan moved to suspend the rules and move to the third and final reading. Alderman Marr seconded. Upon roll call the motion passed 6-1. Reynolds voting nay.

Mr. Williams read the ordinance.

Alderman Reynolds stated that this was not in his Ward but that he did not think it was appropriate for this zoning for this location because he thought they should be taking up at least the four pieces of property that is there instead of taking a bite of this. I don't think it is any future good to us.

Alderman Marr stated that he agreed with Alderman Reynolds and he thought that one of the things in this staff report that concerned him was that one of the findings of fact is that the future land use plan shows the area as mixed use. It also talks about it being able to accommodate a variety of uses including residential and that it was designed to promote redevelopment. Alderman Marr stated that he thought that this parcel is too small to do that.

Alderman Lucas stated she felt that way also, she feels like it is a spot zoning.

Alderman Jordan stated that he had not had any calls that anybody has been against this but that he has some problems with it as well. One of the concerns that he has is if you put that in that area that it may become just another run down property.

Alderman Davis asked shall the ordinance pass. Upon roll call the ordinance failed unanimously.

NEW BUSINESS

MEETING TIME: An ordinance to repeal §32.02 Meetings of the Code of Fayetteville and to declare an emergency.

Alderman Reynolds stated that the last time he supported this but since then he had thought some about it and since Bob Davis cannot make a 6:30 meeting and he was voted as Vice Mayor, in Mr. Coody's absence we need Alderman Davis here, and therefore he will not support this ordinance at this time.

Mr. Williams read the ordinance.

City Attorney Kit Williams stated that he was sorry he did not spot this earlier. He assumed that all our procedure rules would be within our Rules and Procedure but unfortunately this was part of the code and since the code being an ordinance takes precedence we will have to come back and change the code. Your rules of when your meeting should start should be within your rules of Order and Procedure rather than in the code itself.

Alderman Marr stated it is frustrating to have to vote on this twice. Also when we run for office we have to make concessions. While this may not be an end all to our solution it is a step.

Alderman Rhoads echoed Mr. Marr's frustration. He thinks it is a big step in the right direction to making us more efficient.

Alderman Davis stated we did not address the problem we basiclly addressed the time change one thing he thinks we all have the intention of doing is trying to use our committees to the fullest.

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

Mr. Williams read the ordinance.

Jeff Erf, a citizen asked how this ordinance makes running City Council meetings more efficient.

City Attorney Kit Williams stated all this ordinance does is set the time and date for the meetings.

Alderman Marr stated this does not solve the root cause of our extended Council meetings. There are many factors that need to be done in addition. This was one means to look at, but it does not solve all the issues. One of the things that I would like to see come out of this is to have more effective use of the committee structure.

Jeff Erf asked what the next step is to insure that the guidelines and regulations become part of the rules that the Council follows.

Alderman Davis stated hopefully at our retreat in March we will all sit down and look at what would be the best way to run our meetings.

Jeff Erf asked does that have to be done by ordinance or resolution.

Alderman Davis stated the Council can decide if things need to go to committee before coming before the Council.

City Attorney Kit Williams stated you can put some sort of structure within your rules of procedure to identify which items should go to committees. I would recommend that you do not hamstring yourself too much.

Alderman Don Marr stated they were given a list of recommended changes and revisions to their rules of procedure by the city attorney. While the ordinance review is for ordinance review if we do not handle this at the retreat then I will bring something forward to that committee to be discussed.

Jeff Erf said his concern was that starting a half hour earlier is not going to make a whole lot of difference. It's how you run the meeting that is more important.

Lou Weiss, a citizen stated she was concerned about the Aldermen not eating because of the earlier meeting time. She was concerned that their blood sugar could drop causing them to be irritable, and not be able to think properly.

Alderman Reynolds moved to go to the third and final reading. Alderman Lucas seconded. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

Alderman Davis stated he ran for this position twice and both times he was aware that the meeting time was 6:30, if he had known it was going to be a different time before 6:30 he would have had to think about it. He has also been told by other individuals that they do see a problem if we change our meeting times, it could affect other individuals that may want to run for office in the future.

Alderman Marr stated it has just the impact, if he feels like he is going to be at 2:00 a.m. meetings or midnight meetings consistently, he is not going to do it and he doesn't think that may others are going to do it.

Alderman Rhoads stated the comments he has received from the public are that that this is a good step.

Alderman Cook stated Alderman Rhoads mentioned this would show a good gesture towards the public that we are trying to do something to try to end the meetings earlier. We also must remember when those late meetings were going on there was two hot topics on the agenda. I think this is a good first step.

Alderman Jordan said we set the agenda and we need to move hot topics more to the front of the agenda so the public does not sit here to 11:00 or after. Whoever is in charge of running the meetings, which in this case is the Mayor, will have to get a handle on the length of the speakers.

Alderman Davis asked shall the ordinance pass. The ordinance passed with a vote of 5 to 2 with Davis and Reynolds voting nay.

ORDIANANCE 4456 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Mr. Williams stated an emergency clause takes a two thirds vote which would be 6 votes to pass immediately instead of 31 days. The City Council did not vote to pass the emergency clause. This will take effect in 31 days due to no motion on the emergency clause.

DICKSON ENHANCEMENT: A resolution approving Change Order #5 to the construction contract with Township Builders, Inc. for Dickson Street Enhancement Project.

Administration would like to pull so all future unexpected expenses can be discussed.

Alderman Jordan moved to table until the second meeting in February. Alderman Marr seconded. Alderman Davis asked shall the motion pass.

Motion passed with a vote of 6 with Alderman Reynolds abstaining.

Alderman Marr would like some type of visual and a way for the citizens to have input before we vote on this agenda item.

Hugh Earnest stated we should be able to develop something.

Item was tabled until February 18, 2003.

TRASH CARTS: An ordinance amending Chapter 50: Garbage and Trash, of the Code of Fayetteville, to adopt a residential cart exchange fee.

Mr. Williams read the ordinance.

Alderman Davis asked Gary Dumas to address the issue and answer any questions.

Alderman Marr asked will this waiver be limited to individuals who are converting their service at this time and not to new program participants after the date.

Gary Dumas stated the ones converting now.

Alderman Davis asked when the cart system will be in place.

Gary Dumas stated it will be in place by the end of March if the trucks are here by then. We will implement it all at one time for the entire City.

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

Mr. Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Marr seconded. Upon roll call the motion passed.

Mr. Williams read the ordinance.

Alderman Davis asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

ORDIANANCE 4457 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Meeting adjourned at 7:10 p.m.