Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

Ward 1 Position 1 - Robert Reynolds
Ward 1 Position 2 - Brenda Thiel
Ward 2 Position 1 - Kyle B. Cook
Ward 2 Position 2 - Don Marr
Ward 3 Position 1 - Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 - Shirley Lucas
Ward 4 Position 2 - Lioneld Jordan

City Council Meeting Minutes July 5, 2005

A meeting of the Fayetteville City Council was held on July 5, 2005 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Coody called the meeting to order.

PRESENT: Alderman Reynolds, Thiel, Cook, Marr, Rhoads, Ferrell, Lucas, Jordan, Mayor Coody, Assistant City Attorney David Whitaker, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

Mayor Coody thanked the Parks Department for the fireworks display they had for the City.

CONSENT:

ADEQ Grant New Holland Loader: A resolution authorizing the Fayetteville Solid Waste and Recycling Division to accept a grant totaling $37,661.00 from the Arkansas Department of Environmental Quality (ADEQ) and the Boston Mountain Solid Waste District for the purchase of a LW130B New Holland Articulated Loader; and approving a budget adjustment to recognize the grant revenue.

Resolution 123-05 as Recorded in the Office of the City Clerk.

Lightening Electric, Inc. Contract for T-Hangar Improvements: A resolution awarding a contract to Lightening Electric, Inc. in the amount of $120,300.00 to improve the electrical systems in T-Hangers "A" through "D" at the Fayetteville Municipal Airport, Drake Field; approving a project contingency of $6,015.00; and approving a budget adjustment in the amount of $126,315.00.

Resolution 124-05 as Recorded in the Office of the City Clerk.

T-G Excavating, Inc. Contract - Farmington Sewer Rehab.: A resolution awarding a construction contract to T-G Excavating, Inc. in the amount of $144,444.00 for the Farmington Sanitary Sewer System Manhole Rehabilitation; and approving a 10% project contingency in the amount of $14,444.00.

Resolution 125-05 as Recorded in the Office of the City Clerk.

Laureate Fields Subdivision Park Land Dedication: A resolution rescinding resolution No. 136-04 and accepting the Parks and Recreation Advisory Board's revised recommendation to accept 5.064 acres of Land located on the future site of Park West at Audubon as the required Park Land Dedication for Laureate Fields Development.

Resolution 126-05 as Recorded in the Office of the City Clerk.

Devonshire Manor Park Land Dedication: A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept approximately 2.48 acres of land and approximately $13,135.00 cash in lieu of the required Park Land Dedication for Devonshire Manor Development.

Resolution 127-05 as Recorded in the Office of the City Clerk.

Score Uniforms Contract for Soccer Uniforms: A resolution awarding Bid #05-20 and approving the purchase of youth soccer uniforms from Score Uniforms in the amount of $29,700.00.

Resolution 128-05 as Recorded in the Office of the City Clerk.

Arkansas Automatic Sprinklers, Inc. Contract for Seven Hills Homeless Shelter: A resolution approving a contract with Arkansas Automatic Sprinklers, Inc. in an amount not to exceed $35,869.00 to install a sprinkler system at the Seven Hills Homeless Shelter.

Resolution 129-05 as Recorded in the Office of the City Clerk.

Timberworks Contract – Rehabilitation of a CDBG Residence: A resolution approving a contract in the amount of $24,998.00 with Mike Castner D/B/A Timberworks for rehabilitation of a CDBG eligible residence; and approving a contingency in the amount of $1,000.00.

Resolution 130-05 as Recorded in the Office of the City Clerk.

Airport Snow Blower Sale to Abbotsford International Airport: A resolution approving the sale of a used snow blower to the high bidder, City of Abbotsford, British Columbia, Canada in the amount of $172,000.00.

Resolution 131-05 as Recorded in the Office of the City Clerk.

Midland Construction, Inc. - Meadow Street Structure Improvements Project: A resolution approving a contract with Midland Construction, Inc. in the amount of $295,153.00 for the Meadow Street Parking Structure Improvements Project; approving a 15% Project Contingency in the amount of $44,273.00; and approving a budget adjustment in the amount of $132,803.00 for same.

Resolution 132-05 as Recorded in the Office of the City Clerk.

Palmer & Son Construction, LLC Mowing & Clean-up Services: A resolution awarding Bid #05-46 and approving a contract with Palmer & Son Construction, LLC in the amount of $10,000.00 to provide mowing and clean-up services for City Code Compliance efforts.

Resolution 133-05 as Recorded in the Office of the City Clerk.

Alderman Jordan moved to approve the Consent Agenda. Alderman Marr seconded the motion. Upon roll call the motion passed unanimously.

UNFINISHED BUSINESS:

PZD Ordinance Amendment: An ordinance amending Sections 166.06 Planned Zoning Districts (PZD), and Sections 161.25 (C), (D) and (E) Planned Zoning District, Title XV of The Unified Development Code, Fayetteville Code of Ordinances, to allow Master Development Plans to be submitted as an option without submitting a subdivision or large scale development and clarifying other requirements, conditional uses and development standards planned zoning districts. ***This Ordinance was Left on the Second Reading at the June 21, 2005 City Council meeting.***

Assistant City Attorney David Whitaker read the ordinance.

Jeremy Pate, Director of Current Planning gave a brief description of the proposed changes to the ordinance. He stated the biggest thing currently is the process. To get through the development review process it currently takes about 40 days and then it goes to the Council for review. The purposed changes would require the submission of a concept plan, which would then be submitted directly to the Council for a fast track approval. That would establish the zoning criteria, the maximum number of units, the density would be set, the square footage or the intensity of the commercial development would be set and the setbacks from adjacent properties, all the uses. Those are things that would not change, they would be set by the City Council as a policy decision, therefore the citizens could have input on those types of usages.

We anticipate dropping the engineering calculations for detention, the sizing of water lines, sewer lines and storm drainage and where exactly that goes. Instead of an exact amount of park land to be dedicated, we would see a commitment to dedicate park land. Currently you have one year to have a project permit and you can get one extension. This would allow for a phasing of the property over a number of years.

With this plan they could provide you with some development standards to look at to see if it does fit in with the character of the neighborhood, then once they go through development, they would adhere to those statements that they have set for themselves. There will be an increased level of detail in the written form so there is more planning action as opposed to engineering review up front and it allows for some flexibility with conditional uses.

Jeremy stated he thinks there are several other changes and benefits for staff, the citizens and the development community with this amended ordinance.

Hugh Earnest, Fayetteville citizen: The single body that sets policy is the elected Council or board. The issue before you is an effort to improve communication between the City and the development community. I think the public sector should support and endorse good development. That is best done by ensuring that all parties know what is proposed, what is allowable and what it can support. The approach you are considering accomplishes that. I don't agree that the time saving is a significant rational for this change. I can clearly see that a developer, before spending large amounts of money on a mix-use development, would want to know that he has the support and can expect to keep the support of the policy group for his development. I would suggest that the use of a well done concept plan, as Jeremy has suggested, approved in advance by the Commission and the Council as an addition to the process is an excellent idea. It will benefit all parties.

Alderman Thiel: Are we still looking at the original ordinance that would eliminate this going before the Planning Commission?

Jeremy Pate: That is what is before you, yes madam.

Alderman Thiel: That kind of concerns me after some of the discussions that we have had. I think this PZD amendment will basically save the developers a lot of time. I think it is a very good thing and I am very supportive of it. The only thing that does concern me is the aspect of it not going before the Planning Commission, which was recommended by the Ordinance Review Committee. After hearing staff discuss this and some citizens' concerns about this, I am concerned this will not give the public ample time to review items. I think the Council will definitely read it three separate times if it does not go before the Planning Commission, where as if it did go before the Planning Commission when it comes before the Council, I think the Council would be a little less reluctant to hold it to three separate readings. I am not sure that part of it is that much of a savings to the developers. I think the Planning Commission irons things out before they get to the Council and I wonder if the Council is aware of how much more work this might entail for them if we are the first ones to review this.

Alderman Thiel moved to amend item number C. 2. of the ordinance to state *Planned Zoning District Master Development Plans that are processed without a preliminary plat for large scale development shall include a Planning Commission recommendation to the City Council and a schedule as set out by Zoning Development Administrator.* Alderman Lucas seconded the motion.

Alderman Ferrell: Jeremy, right now if something were to come to us before this amendment, it would come with all the research that the Planning Department does before something goes to the Planning Commission. Your recommendation would also be included.

Jeremy Pate: That is correct.

Alderman Ferrell: If it came to us first, the conceptual idea is basically one of the things that we would look at, is that correct? It would make it a little less up front work on the concept if it came to the City Council first?

Jeremy Pate: I think what we would see more of is no Planning Commission review of that, so you would not have the benefit of that recommendation. But you would still have the two weeks. What this allows is if there is something that staff is having a problem supporting we could work with the applicant and get revisions and then make a recommendation to forward on to you. Without this amendment we would get it, process it and we would make a recommendation with what we have in our hand at that time. This allows a little bit more flexibility.

Alderman Marr: I think the original intent of the discussion at the Ordinance Review Committee meeting did not override the full benefit, which is a concept plan versus detail plan and planning cost, which I still think is a huge benefit change. The thing that has bothered me about the discussions as this has gone forward, it is like we do not value the Planning Commission's work or time and I take exception to that. That is like saying if we don't do it then we don't value the Council's time and opinion on it either. I don't think either statement sends a message that one is more important or less important than the other.

We have been talking about it in our development process customer service feedback and how to become a development friendly community. One of the benefits that group wanted to see was improved time and reduced cost of development. To me that is the purpose of what we are looking at. If we go with this process and include the Planning Commission we are conscientiously making a decision to go from 48 days to 61 days by putting it back in the process. I think that warrants some discussion. I have a huge respect for commissioners on the Planning Commission, I have been one and I can see why I would be sensitive to not being involved in the process. I also think that we are sensitive to the process and we have the ability to do it. There was a comment in our Planning Commission minutes that said *the Council is not restrictive to staying within all the guidelines Planning Commission uses to make land use determinations, they can look at a host of other issues. I can see more confusion interjected in the process than currently exists.* I can see it being the other way around, if they make a recommendation and then we change it and it goes back to them. I don't think we eliminate some of the arguments that are being used. I am looking for the most time sensitive, cost effective way to get good development in the City of Fayetteville for developers and neighborhoods. I am not convinced that with it going directly to us it hurts that.

Alderman Lucas: The time element did not seem that big of an issue. The thing that concerns me is the input from the citizens and that we are kind of eliminating one step for them. In Ward 4 people like to express their views. I think we are helping developers in that we are cutting out the expensive part before it goes to the Planning Commission. With this amendment, we are also keeping a step in there for citizen input.

Alderman Thiel: One of the developers said this process is not what bogs the developers down; it is the fact that we are sometimes short handed in Planning.

Mayor Coody: We are trying to find a way to fill those slots because that is a problem. We pay very well and we have good benefits.

Alderman Cook: I think Brenda's amendment is a good baby step for the PZD process. This does save some time and it definitely saves money for the developers, but most importantly, I think it will give the citizens and us better development in the long run. It produces the opportunity for more creativity and we might get a better quality product from the beginning in the planning process. I think the PZD is a work in progress. I support this amendment.

Alderman Jordan: I tend to agree with Kyle and Shirley. I like it coming to the Planning Commission as a whole and then letting them look at each development and make a recommendation. We do cut out all the engineering process that has been an upfront cost to the developers and we still get the input of the Planning Commission. I think that is important in my decision making.

Upon roll call the motion failed 4-4. Alderman Lucas, Jordan, Thiel and Cook voting yes. Alderman Marr, Rhoads, Ferrell and Reynolds voting no. Mayor Coody did not vote to break the tie.

Alderman Thiel: I am certainly not going to throw this out because of this. We can always revisit this if we decide this is cumbersome to the City Council. I will still support the overall ordinance. I am not opposed to this idea of fast tracking for the developers. I am still concerned about the effect to the public about not having as much input. I still think in the long run it is going to take the developers as much time.

Alderman Marr: I support the overall ordinance and I would have supported it if it had passed with the amendment. Developers bring things to discuss at our Ward meetings long before they even get to the Council. I think encouraging that is important. I think the overall benefit of cost savings to the developer is where this started at Ordinance Review and I would continue to support it. I hope the Planning Commissioners understand that we are going to get the value of their work at large scale development and by ensuring that, what we want to see in terms of land use is in the plan.

Mayor Coody: We all want to see PZD's used more because it benefits the City and the citizens. Right now, the system that we have discourages folks from using the PZD process. This isn't just a cost savings and a time savings it is a method to help developers. This is also a way to encourage the use of the PZD process, which is good for the citizens of this town.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 5-3. Alderman Marr, Rhoads, Ferrell, Reynolds and Thiel voting yes. Alderman Lucas, Jordan, Cook voting no.

Ordinance 4717 as Recorded in the Office of the City Clerk.

<u>Planning Commission Appeal (TGI FRIDAY'S):</u> A request to appeal the Planning Commission's decision to alter the sign package submitted by TGI Friday's. ***This item was Tabled at the June 21, 2005 City Council meeting to the July 5, 2005 City Council meeting.***

Jeremy Pate gave additional information regarding the appeal since the first time the Council saw it and tabled this item. Staff and Administration has worked with TGI Friday's to come to a solution that we could all support. I believe we have come to that with the hard work of TGI Friday's. They are currently requesting to move the slogan from the canopy up onto the TGI Friday's wall face therefore we can include that as one wall sign. That is compliant with our City ordinances in the design overlay district. TGI Friday's is requesting on its west elevation a smaller sign and their slogan below that. This property has two street frontages therefore it is allowed two free standing signs. Staff supports that in lieu of one of the monument signs they have an additional wall sign. We recommend approving TGI Friday's appeal.

Alderman Thiel: I would be reluctant to go against our sign ordinance. I am very glad staff was able to work with TGI Friday's.

Alderman Ferrell moved to approve the appeal. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.

Resolution 134-05 as Recorded in the Office of the City Clerk.

Planning Commission Appeal (Dixie Development): An ordinance annexing that property described in ANX 05-1490 for approximately 24.35 acres located at the northeast corner of Mount Comfort Road and Hughmount Road and zoning such property R-A Residential Agricultural. ***This item was Left on the Second Reading at the June 21, 2005 City Council meeting.***

Alderman Marr moved to table the appeal until the July 19, 2005 City Council meeting. Alderman Jordan seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was tabled until the July 19, 2005 City Council meeting.

RZN 05-1491 (Dixie Development): An ordinance rezoning that property described in rezoning petition RZN 05-1491 for approximately 24.35 acres located at the northeast corner of Mount Comfort and Hughmount Road, from R-A, Residential-Agricultural to RSF-4, Residential Single Family, 4 units per acre. ***This item was Left on the Second Reading at the June 21, 2005 City Council meeting.***

Alderman Jordan moved to table the ordinance until the July 19, 2005 City Council meeting. Alderman Ferrell seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was tabled until the July 19, 2005 City Council meeting.

NEW BUSINESS:

United States Census Bureau: A resolution approving a Memorandum of Understanding with the United States Census Bureau for the purpose of conducting a Special Census for Fayetteville, Arkansas in the amount of $961,770.00; and approving a budget adjustment.

Steve Davis, Finance and Internal Services Director: The City has submitted a request to the Census Bureau for an estimate to do a special census. The information the City provided to the Census Bureau included housing units and an estimated population. That information was provided to the City by the NW Arkansas Regional Planning Commission. The Census Bureau stated they would like to do this in February or March of next year. Based on 70,351 of folks living in Fayetteville today the City would receive an additional $3,503,000 that would be split between the Street Fund and the General Fund. All of the cost for the special census is proposed to be paid out of General Fund reserves. General Fund is expected to recover all of the money that would be invested in this special census until the 2010 census is finished and certified to the State. The Street Fund would receive an additional $2.6 million in maintenance revenue that could be used to maintain our street system and sidewalk.

Alderman Lucas: It would be recovered in 5 years?

Steve Davis: Basically 5 ½ years.

Mayor Coody: The $900,000 cost is based on an estimation of 70,000 people. Is there a way that we can ask them to charge us per capital?

Steve Davis: A lot of this $900,000 is tied up in fixed cost. We can certainly ask that when the count comes that it be more of a cost reimbursable contract as opposed to a fixed fee.

Alderman Rhoads: The contract does not allow some sort of sliding scale?

Steve Davis: No sir. You pay a deposit and then they bill you for the remaining balance.

Alderman Ferrell: This says there will be expected additional out of pocket cost of between $20,000 and $30,000. Is that included in the $900,000?

Steve Davis: No sir. The $20,000 to $30,000 would be money that we would spend to promote the special census through advertising and public information.

Alderman Jordan: Can we get more details as to what the census folks will be doing?

Steve Davis: They will be physically going door to door. They are paid prevailing wages for this work and 40.5 cents per mile from the census takers home to where ever they are going.

Alderman Marr: What if the census count does not come in at this number?

Steve Davis: We ran the Census Bureau's projected numbers for the population of Fayetteville today to see what that payoff would be. General Fund would generate $538,000 as opposed to $868,000 so we would recover a little over 50% of our investment. Street Fund instead of getting $2.6 million would get $1.6 million.

Alderman Marr: This 70,000 number came from the NW Regional Planning Commission?

Steve Davis: Yes sir.

Alderman Marr: They have been consistently higher than the actual numbers.

Steve Davis: They have generally been a little higher. In 1996 the NW Regional Planning Commission numbers were 3.25% higher and the Census Bureau numbers were 4.3% higher. If we have the similar type of variance on the 70,000 number we can expect around 67,000 to 68,000 people.

Alderman Rhoads: What number was the 5 ½ year approximate pay back time based on?

Steve Davis: 70,000.

Alderman Reynolds: What is the population that they are paying us for now?

Steve Davis: 58,047.

Mayor Coody: What population number did you use for the lower numbers?

Steve Davis: 65,827.

Mayor Coody: 5,000 more people would make that much of a difference?

A discussion followed on the special census, the expenses that might be incurred and how the university students are counted.

Alderman Marr moved to approve the resolution. Alderman Ferrell seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 135-05 as Recorded in the Office of the City Clerk.

Arkansas Soil & Water Bond Purchase Agreement -Westside Plant: An ordinance authorizing the issuance and sale of not to exceed $65,000,000 of a Sales and Use Tax Capital Improvement Bond, Series 2005, by the City of Fayetteville, Arkansas for the purpose of financing a portion of the costs of acquiring, constructing and equipping a new wastewater treatment facility and related sewerage improvements; providing for the payment of the principal of and interest on the Series 2005 Bond; authorizing the execution and delivery of a Bond Purchase Agreement providing for the sale of the Series 2005 Bond; authorizing the execution and delivery of a Continuing Disclosure Agreement; and prescribing other maters relating thereto.

Assistant City Attorney David Whitaker read the ordinance.

Mayor Coody: How does the prepayment of interest work?

Steve Davis: We have an agreement with the Soil and Water Commission that the interest during the construction period will be paid as we go along. We will pay interest as the due dates occur.

Mayor Coody: The $125,000,000 is that figuring the interest into that amount?

Steve Davis: The interest will be above the $125,000,000.

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

Assistant City Attorney David Whitaker read the ordinance.

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

Assistant City Attorney David Whitaker read the ordinance.

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

Ordinance 4718 as Recorded in the Office of the City Clerk.

<u>**C-2 Projects, LLC Contract - Highway 62 Farmington Waterline Replacement Project:**</u> A resolution approving a construction contract with C-2 Projects, LLC in the amount of $1,180,177.45 for the Highway 62-Farmington Waterline Replacement Project; approving a 12% Project Contingency in the amount of $140,000.00; and approving a budget adjustment in the amount of $678,585.00.

Alderman Cook: The fact that we are paying $678,585 more than we budgeted for is painful. I know it is something that we have to do.

Alderman Cook moved to approve the resolution. Alderman Reynolds seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 136-05 as Recorded in the Office of the City Clerk.

<u>**McClelland Consulting Engineers Amendment # 2 – Highway 62 Farmington Waterline Replacement Project:**</u> A resolution approving a contract amendment No. 2 with McClelland Consulting Engineers, Inc. in the amount of $56,867.00 for the Highway 62-Farmington Waterline Replacement Project.

Alderman Lucas: Is this another contract that we have with McClelland?

Sid Norbash, Engineering: This is a standing contract. When we selected McClelland they did very preliminary engineering. This is the last phase of the contract which is construction management.

Alderman Ferrell moved to approve the resolution. Alderman Jordan seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 137-05 as Recorded in the Office of the City Clerk.

<u>**ANX 05-1495 (Benton Development):**</u> An ordinance annexing that property described in Annexation Petition ANX 05-1495 for property located at the southwest corner of Weir Road and Salem Road, containing 10.47 acres.

Assistant City Attorney David Whitaker read the ordinance.

Jeremy Pate gave a brief description of the property and the location of the property. The Planning Commission voted 8-0 to forward this item for a recommendation of approval to annex into the City of Fayetteville.

Alderman Thiel moved to suspend the rules and go to the second reading. Alderman Jordan seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads recused.

Assistant City Attorney David Whitaker read the ordinance.

This ordinance was left on the second reading.

RZN 05-1502 (Benton Development): An ordinance rezoning that property described in Rezoning Petition RZN 05-1502 for approximately 10.47 acres located at the southwest corner of Weir Road and Salem Road from R-A, Residential Agricultural, to RSF-4, Residential Single-Family, 4 Units Per Acre.

Assistant City Attorney David Whitaker read the ordinance.

Jeremy Pate gave a brief description of the rezoning. The Planning Commission recommended this for approval with a 8-0 vote with no public comment.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads recused.

Assistant City Attorney David Whitaker read the ordinance.

This ordinance was left on the second reading.

RZN 05-1523 (Hartlerode): An ordinance rezoning that property described in Rezoning Petition RZN 05-1523 for approximately 0.25 acres located at 2826 South School Avenue from RSF-4, Residential Single-Family, 4 Units Per Acre to C-2, Thoroughfare Commercial.

Assistant City Attorney David Whitaker read the ordinance.

Jeremy Pate gave a brief description of the property. The Planning Commission voted 8-0 to recommend approval of this rezoning request to you.

Alderman Thiel: There are three of these businesses out of compliance. If we do change the zoning to accommodate this type of business, they would be in compliance. This business continued to have its sign on even thought they were asked not to. The other two covered their signs. Why?

Jeremy Pate: We do ask them, if they are requesting a rezoning, that they might want to remove their signs. They did remove some of their signs from their property. When we catch them in the wrong zoning, we let them continue with what they have until we can find a solution. If the rezoning is denied, the signs are removed and the business moves.

Alderman Thiel: At the next meeting are we going to be looking at changing the R-O zoning to allow this type of business in the R-O zoning?

Jeremy Pate: Yes. It will be an ordinance.

Alderman Thiel: I would suggest we table this until we look at changing the ordinance.

Alderman Reynolds: They have been in violation since April.

Chris Hartlerode, Advantage Bail Bond: We were asked to remove our sign and we did remove the sign the next morning. The sign we had by the road was removed. We were told that we could leave the banner on the building until we had gone through the zoning process. We want to comply with the City.

Jeremy Pate: We contact them and let them know there is a problem. We try to accommodate our requirements as best as possible and still allow the business to continue, which is our current policy. We do not suspend their business and make them shut the doors until the decision is made. With regard to timing, we typically send out two 30 day letters and we allow them time to relocate. As long as the applicant is in the process of trying to rezone the time is suspended. He has been in the process since late spring.

Alderman Reynolds: If we table this for two weeks will he still be able to operate?

Jeremy Pate: Correct.

Alderman Reynolds moved to table the ordinance until the July 19, 2005 City Council meeting. Alderman Marr seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was tabled until the July 19, 2005 City Council meeting.

VAC 05-1521 (Ralston): An ordinance approving VAC 05-1521 submitted by Michael Ralston for property located at 3450 Natchez Trace vacating a portion of utility easement as indicated on the attached map and legal description.

Assistant City Attorney David Whitaker read the ordinance.

Jeremy Pate gave a brief description of the property. The Planning staff recommends approval of this and the Planning Commission voted 8-0 to recommend this vacation to the City Council.

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

Assistant City Attorney David Whitaker read the ordinance.

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

Assistant City Attorney David Whitaker read the ordinance.

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

Ordinance 4719 as Recorded in the Office of the City Clerk.

Associated Time & Parking Controls, Inc. Contract: A resolution awarding Bid #05-13 and approving a contract with Associated Time & Parking Controls, Inc. in the amount of $149,219.91 for Parking Access and Revenue Control Equipment; approving a project contingency in the amount of $20,534.85; and approving a budget adjustment in the amount of $169,755.00.

Alderman Thiel: I am concerned about these funds coming out of the Sales Tax Capital Improvement Fund, if there are enough funds in the Off Street Parking Fund.

Steve Davis: The recommendation to pull this out of the Sales Tax Capital Improvement Fund as opposed to the Off Street Parking Fund came from me. That was because if we take this item and the parking deck rehabilitation item out of the Off Street Parking Fund, we will use the reserve level in the Off Street Parking Fund and it will be down to less than $30,000. It doesn't take more than one or two parking pieces of equipment to wipe that fund balance out.

Alderman Thiel: Can we not build the Off Street Parking Fund back up?

Steve Davis: Yes, but it takes a long time. It generally receives anywhere from $5,000 to $15,000 per year, so it would take 10 years or so for it to build back up from this capital investment.

Alderman Reynolds: If someone drives through a parking gate or something, can't Mrs. Jenkins come back to us for more money?

Steve Davis: She can, that is also an option, and it would also delay the replacement of that equipment until City Council could meet.

Alderman Cook: I would like to see the money come out of the Off Street Parking Fund and then if we need to make an adjustment we can.

Alderman Ferrell moved to amend the resolution to have the funds come out of the Off Street Parking Fund. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.

Alderman Marr moved to approve the resolution. Alderman Thiel seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 138-05 as Recorded in the Office of the City Clerk.

Meeting Adjourned at 8:07 PM

Dan Coody

Dan Coody, Mayor

Sondra Smith

Sondra Smith, City Clerk