

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



Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

**City Council
Meeting Minutes
September 20, 2005**

A meeting of the Fayetteville City Council was held on September 20, 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, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

Fayetteville Town Center Annual Report by Willistine Smith

Alderman Cook moved to add the Nominating Committee Report to the agenda. Alderman Jordan seconded the motion. Upon roll call the motion passed unanimously.

Alderman Cook read the Nominating Committee Report. A copy of the report is attached.

Alderman Cook moved to approve the Nominating Committee Report. Alderman Marr seconded the motion. Upon roll call the motion passed unanimously.

CONSENT:

Cornerstone Home Services, LLC: A resolution approving an offer and acceptance contract between the City of Fayetteville and Cornerstone Home Services, LLC for the sale of Parcel 30E in the Fayetteville Industrial Park for \$28,000.00; and authorizing the Mayor and City Clerk to execute said agreement.

Resolution 184-05 as Recorded in the Office of the City Clerk.

C & C Services, LLC Offer and Acceptance: A resolution approving an offer and acceptance contract between the City of Fayetteville and C & C Services, LLC for the sale of Parcel 11W in the Fayetteville Industrial Park for \$132,000.00; and authorizing the Mayor and the City Clerk to execute said agreement.

Resolution 185-05 as Recorded in the Office of the City Clerk.

Jim Benton Offer and Acceptance: A resolution approving an offer and acceptance contract between the City of Fayetteville and Jim Benton for the sale of Parcel 29E in the Fayetteville Industrial Park for \$61,480.00; and authorizing the Mayor and the City Clerk to execute said agreement.

Resolution 186-05 as Recorded in the Office of the City Clerk.

Martin A. Treat Offer and Acceptance: A resolution approving an offer and acceptance contract between the City of Fayetteville and Martin A. Treat for the sale of Parcel 20W in the Fayetteville Industrial Park for \$200,000.00; and authorizing the Mayor and the City Clerk to execute said agreement.

Resolution 187-05 as Recorded in the Office of the City Clerk.

William's Tractor LB75B Backhoe and Landers Ford F550 4x4: A resolution authorizing the purchase of one (1) Skid Steer Loader and one (1) LB75B Backhoe from William's Tractor in the amount of \$77,192.41; and the purchase of one (1) F550 4x4 Cab and Chassis with Dump Body from Landers Ford in the amount of \$24,193.41 for use at the Fayetteville Municipal Airport; and approving a budget adjustment in the amount of \$115,435.00.

Resolution 188-05 as Recorded in the Office of the City Clerk.

William's Tractor LB75B Backhoe Purchase for Transportation: A resolution authorizing the purchase of one (1) LB75B Backhoe from William's Tractor in the amount of \$52,999.00 for use by the Transportation Division for the In-House Trails Program; and approving a budget adjustment in the amount of \$52,999.00.

Resolution 189-05 as Recorded in the Office of the City Clerk.

Downing Sales & Service Bid Award – Two Refuse Trucks: A resolution awarding Bid #05-62 to Downing Sales & Service in the amount of \$319,425.00 for the purchase of two (2) rear-load refuse trucks for use by the Solid Waste & Recycling Division.

Resolution 190-05 as Recorded in the Office of the City Clerk.

Downing Sales & Service Bid Award – Drop-Box Hoist Truck: A resolution awarding Bid #05-63 to Downing Sales & Service in the amount of \$134,972.00 for the purchase of a Drop-Box Hoist Truck for use by the Solid Waste & Recycling Division; and approving a budget adjustment in the amount of \$134,972.00.

Resolution 191-05 as Recorded in the Office of the City Clerk.

Emergency Vehicles, Inc. Bid Award – Mobile Command Unit: A resolution awarding Bid #05-60 to Emergency Vehicles, Inc. in the amount of \$185,800.00 for the purchase of a Mobile Command Unit for use by the Fayetteville Police Department.

Resolution 192-05 as Recorded in the Office of the City Clerk.

Black & Veatch Change Order # 1: A resolution approving Change Order #1 to the contract with Black & Veatch in an amount not to exceed \$300,000.00 for design, construction supervision, post-construction analysis and testing for improvements to the 36" and 42" water transmission lines; and approving a contingency in the amount of \$15,000.00.

Resolution 193-05 as Recorded in the Office of the City Clerk.

Waste Management of Arkansas, Inc. Contract Amendment: A resolution approving Amendment # 4 to the contract with Waste Management of Arkansas, Inc. for operation of the Transfer Station and transport and disposal of Municipal Solid Waste; and approving a budget adjustment in the amount of \$25,000.00 to cover the cost of increased disposal fees.

Resolution 194-05 as Recorded in the Office of the City Clerk.

Former Shake's Building Purchase Time Extension: A resolution to extend the time allowed to Steve Davis to close on his purchase of the former Shake's Building on 6th Street.

Resolution 195-05 as Recorded in the Office of the City Clerk.

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

UNFINISHED BUSINESS:

None

NEW BUSINESS:

Legacy, LLC Cost-Share Agreement – Deane Soloman Road: An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with Legacy, LLC in the amount of \$22,528.78 for the upsizing of approximately 1282 feet of 8" water main to a 12" water main; and approving a contingency in the amount of \$3,379.32.

City Attorney Kit Williams read the ordinance.

Alderman Cook: These cost shares that we are looking at are smart money items. As we prepare for future growth we have started to put the infrastructure in and this is less expensive than it would be otherwise.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4758 as Recorded in the Office of the City Clerk.

Legacy, LLC Cost-Share Agreement – Deane Soloman Road: An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with Legacy, LLC in the amount of \$19,200.02 for the upsizing of approximately 1538 feet of 8" water main to a 12" water main; and approving a contingency in the amount of \$2,879.98.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4759 as Recorded in the Office of the City Clerk.

C-2 Projects, LLC Contract: A resolution approving a construction contract with C-2 Projects, LLC in the amount of \$1,287,211.25 for the North College Waterline Replacement Project; approving a 10% project contingency in the amount of \$128,000.00; and approving a budget adjustment in the amount of \$444,941.25 for same.

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

Resolution 196-05 as Recorded in the Office of the City Clerk.

Fayetteville Municipal Property Owners Improvement District # 7 – Timber Trails: An ordinance to Establish and Lay Off Fayetteville Municipal Property Owners' Improvement District # 7 – Timber Trails.

City Attorney Kit Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent during the vote.

City Attorney Kit Williams read the ordinance.

Alderman Ferrell moved to suspend the rules and go to the third and final reading. Alderman Jordan seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent during the vote.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Rhoads was absent during the vote.

Ordinance 4760 as Recorded in the Office of the City Clerk.

Fayetteville Municipal Property Owners Improvement District # 8 – Belclaire: An ordinance to Establish and Lay Off Fayetteville Municipal Property Owners' Improvement District # 8 – Belclaire

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4761 as Recorded in the Office of the City Clerk.

VAC 05-1651 (Petrino/Prince, 362/363): An ordinance approving VAC 05-1651 submitted by Ed Prince for property located at 3041 and 3043 Marigold Drive, vacating a portion of a utility easement as indicated on the attached map and legal description.

City Attorney Kit Williams read the ordinance.

Alderman Jordan: Is a wall being built on a City easement?

Jeremy Pate: That is correct. It is a retaining wall that extends into the utility easement.

Alderman Jordan stated he is concerned about vacating City easements to accommodate a developer. He would like to tighten this up in the future so this sort of thing will not occur. How does this happen?

Jeremy Pate: We don't typically require a survey for a single family or a two family dwelling, as long as the site plan meets the building setbacks and utility easements that is what we are going to approve and expect them to build.

A discussion followed on the easement.

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

City Attorney Kit Williams read the ordinance.

Alderman Ferrell 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.

City Attorney Kit Williams read the ordinance.

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

Ordinance 4762 as Recorded in the Office of the City Clerk.

North Street Church of Christ: An ordinance rezoning that property described in rezoning petition RZN 05-1649 for approximately 16.61 acres located at Mt. Comfort Road from RSF-4, Residential Single Family, 4 units per acre to P-1, Institutional.

City Attorney Kit Williams read the ordinance.

Alderman Lucas and Jordan stated they have not received any calls regarding this issue.

Alderman Marr: Was there any other alternate other than this P-1 zoning because it does give a lot more allowances than the conditional use process would.

Jeremy Pate: We did take a look at that; this was approved by the Planning Commission with conditions. There is extremely limited signage within the RSF-4 zoning district.

A discussion followed on the zonings and conditional use.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 6-2. Alderman Thiel, Rhoads, Ferrell, Lucas, Jordan and Reynolds voting yes. Alderman Cook and Marr voting no.

Ordinance 4763 as Recorded in the Office of the City Clerk.

ANX 05-1488 (Collins/Kinghorn, 533/534): An ordinance annexing that property described in annexation petition ANX 05-1488 for property located at 6102 and 6110 Lake Sequoyah Drive, containing 17.33 acres.

City Attorney Kit Williams read the ordinance.

This Ordinance was left on the First Reading.

Planning Commission Appeal: Collins/Kinghorn Rezoning: An ordinance rezoning that property described in rezoning petition RZN 05-1489 for approximately 17.64 acres located at 6102 and 6110 Lake Sequoyah Drive from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 units per acre.

City Attorney Kit Williams read the ordinance.

This Ordinance was left on the First Reading.

Amend §161.25 Planned Zoning District: An ordinance amending §161.25 Planned Zoning District to allow all use units identified in §162 Use Units of the Unified Development Code to be made available as permitted uses within all Planned Zoning Districts.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the changes.

Alderman Ferrell stated he liked this idea.

Alderman Marr stated he agreed.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Lucas: If this is approved and someone comes forward with a PZD and they want some use in it that staff does not feel is appropriate can the Council approve it?

Jeremy Pate: They can approve it or deny it. It is not the typical use by right.

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

Ordinance 4764 as Recorded in the Office of the City Clerk.

Chapter 50 Garbage and Trash Amendment: An ordinance amending Chapter 50: Garbage and Trash of the Code of Fayetteville, to allow for annual rate adjustments for residential service, based upon the Consumer Price Index (CPI) as published by the U.S. Department of Labor.

City Attorney Kit Williams read the ordinance.

Mayor Coody: If we just go up every few years on our rates then we have to go up a big jump and we fall a little behind each year. By doing the CPI adjustments we are just keeping up with inflation.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Marr: With energy prices with gas prices adjusting on a short term basis, we have seen gas go up and come down. What impact does that have on this annual rate?

Gary Dumas: It is included in the CPI. The method that we have been using is taking the first six months of each year and applying that CPI during the budget session for an effective date on January 1. All those fuel rate increase would be included but they would be behind by six months or so.

Alderman Marr: So it is a longer time frame versus a monthly look. So it doesn't adjust it, inflate it up and not look at it again for 12 months?

Gary Dumas: No.

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

Ordinance 4765 as Recorded in the Office of the City Clerk.

C-PZD 05-1670 (Pratt Place Inn, 481): An ordinance establishing a Commercial Planned Zoning District titled C-PZD 05-1670, Pratt Place Inn, located at the west end of Markham Road, containing approximately 72 acres, more or less; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.

City Attorney Kit Williams read the ordinance.

Jeremy Pate stated this is the first master development plan, planned zoning district that the Council has seen that has not been before the Planning Commission. Planning staff is recommending approval. Jeremy gave a brief description of the project. Jeremy stated there are some conditions of approval.

Alderman Lucas: Could this land be subdivided?

Jeremy Pate: Planning area two and three could not be subdivided unless they come back before this Council with an amendment to the zoning or by bringing a planned zoning district. Planning area one could be subdivided.

Alderman Marr: Has this been presented to a Ward 4 meeting?

Jeremy Pate: There has been a neighborhood meeting.

Alderman Jordan: We did talk about this at the Ward 4 meeting and there were a few concerns. Outside music was a problem for some of the residents. The traffic was somewhat of a concern and if they would have liquor license. Some of the concerns that I have are the water pressure. Will this take water pressure away from residents?

Jerry Kelso, Crafton, Tull and Associates: This will only use a small amount of water and should be alright.

Alderman Jordan: Most of the emails I have received have been relatively positive. Are they going to preserve some of the land?

Jeremy Pate: Tree preservation.

A discussion followed on when the barn was built on the property that it was not going to be used for any other use. They also discussed how this property has been used in the past.

Alderman Thiel said there are some good things about this project, but she has received several letters and comments.

Alderman Reynolds voiced his concern about some of the activities that have been taking place on the property.

John Williams stated he would not be against just a bed and breakfast but he is concerned with other uses of this property. He is concerned about the increase in traffic and the expansion of the roads to that neighborhood. He gave the Council a list of his concerns.

William Landolt stated he is opposed to this proposal. He is concerned about the traffic. He is concerned about the areas that are not to be developed that those areas may be rezoned by a future Council. He is also concerned about the cutting of trees that has occurred and the erosion caused from rain.

William Feldman commended the Archers for their commitment to preserve the integrity of the property. He stated he is concerned about the number of people that might be using this commercial facility. He is concerned about the impact this will have to the residential neighborhood in terms of traffic and noise. He is concerned about the zoning change because it goes with the land not the owner; he asked if a subsequent owner could change the restaurant to a bar.

Albert Skiles, Architect for the project stated he appreciated the concerns. He stated the Archers have owned this property since the 1900's. He stated this is an opportunity to preserve a part of history for Fayetteville by preserving this house. He stated the Archers have had many offers to subdivide this property and have potentially hundreds of houses there. He stated this is a giant park in the middle of Fayetteville. He said they have had meetings with the neighbors and the input has been taken into account. He said there will be a remote parking lot that will not be seen when you enter. The PZD defines what will be there.

Alderman Jordan: How much of the property is already RSF-4?

Jeremy Pate: 49.1 acres are currently zoned RSF-4 and 22.9 acres are zoned R-A.

Edward Hejtmanek a resident of Markham Road: There are good things about the project and I would like to see the area on top of Markham Hill left in tact. The traffic problem in the area is a concern of his.

Felicia Farris a resident of Sang Avenue: She voiced her concern about the traffic and the types of events that could occur on this property. She is concerned about the noise this could produce and the hours the property would be open to the public.

Ethel Simpson said she is uneasy about what they might change. She is also concerned about the noise.

Alderman Jordan: Jeremy, I would like to know if this development goes in about how much traffic you think it will generate versus if the 50 acres are developed at RSF-4 how much traffic that would generate.

Alderman Thiel: There are two parcels that are indicated as no development and being left R-A, in the future without that being in a conservation easement what is the ability of future or current owners coming before the Council and asking for a zoning change.

Jeremy Pate: A zoning runs with the land so if it were sold they would be bound to the same restrictions that this Council approved. They would have to come back to the City Council.

Alderman Thiel: There is no assurance that those two areas will be preserved in perpetuity?

Jeremy Pate: There is no conservation easement, but even those things the City Council can decide that an easement is no longer appropriate.

Mayor Coody: If there was conservation easement and that easement was owned by a third party it would be more secure.

Alderman Marr: This is the first PZD through the new process that we are seeing. The PZD changes were a concept PZD and we still have the more detailed PZD process. The applicant chose to bring this through as a concept PZD to determine whether this use is appropriate for the location that we are talking about with these conditions. If this goes back it will go through a large scale development process for the Planning Commission who will address the details of roads, drainage, etc.

Jeremy Pate: That is correct. The maximums and minimums can not be changed significantly at all.

Alderman Marr: The second part of the change was this concept coming to the Council before it went to the Planning Commission. Is there any information other than that change in the concept PZD that the Planning Commission would have had that we don't have. If this had gone to the Planning Commission first would they have gotten this exact packet?

Jeremy Pate: Yes, unless discussions with the Planning Commission brought out items that had not been addressed.

Alderman Marr: So the only way that we would have gotten more detail is to have had the detailed PZD process.

Jeremy Pate: Correct.

This Ordinance was left on the First Reading.

R-PZD 05-1599 (Zion Gardens, 137): An ordinance establishing a Residential Planned Zoning District titled R-PZD 05-1599, Zion Gardens, located northwest of the intersection of Randal Place and Zion Road, containing approximately 13.9 acres, amending the official zoning map of the City of Fayetteville; and adopting the Associated Residential Development Plan as approved by the Planning Commission.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the project. Planning Commission voted 6-0 in favor of this. There were some revisions that were made at the Planning Commission level. Staff is recommending approval with conditions of approval.

A discussion followed on the alleys and improvements to a private drive.

Alderman Marr asked the Ward 3 aldermen if they had any comments on this project.

Alderman Rhoads stated he had all supportive comments.

Alderman Jordan asked what the fire response time is for this area.

Jeremy Pate: 7 minutes.

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

City Attorney Kit Williams read the ordinance.

Tim Cooper, Architect for the project stated they did meet with the neighborhood.

Alderman Rhoads moved to suspend the rules and go to the third and final reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-1. Alderman Thiel, Marr, Rhoads, Ferrell, Lucas, Jordan and Reynolds voting yes. Alderman Cook voting no.

City Attorney Kit Williams read the ordinance.

Alderman Marr: I think this is a good example for developers why the old process is effective, you work out these issues. I think people really need to think about the concept PZD. I don't think any of us are comfortable moving concept plats forward. It is not always time saving, it is sometimes time saving if you do the work on the front end.

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

Ordinance 4766 as Recorded in the Office of the City Clerk.

R-PZD 05-1636 (Wellspring): An ordinance establishing a Residential Planned Zoning District titled R-PZD 05-1636, Wellspring, located at Ruppel Road and Highway 16, containing approximately 152 acres, more or less; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.

This Ordinance was left on the First Reading.

Susan Raymond a resident said Ruppel Road north of Wedington is not safe for school children, pedestrians or cyclist. She is concerned about getting a bond issue passed before work can begin on this road. She stated it doesn't seem to make sense that all of these developments are going in when traffic is a problem and that a bond issue may not be passed until years later to get the improvements.

Mayor Coody: Hopefully we will get the bond issue passed this year and if it passes we will start construction in the near future so it will not be years down the road.

Susan Raymond: Will the road improvements happen before the subdivisions are finished?

Mayor Coody: That is a good question; I don't know the time frame on the subdivisions.

Alderman Jordan: I have talked to Jeremy and some of the developers in the area, there will be some road improvements made by the developer.

2006 Proposed Funding for Outside Agencies: A resolution authorizing the staff of the Budget and Research Division to incorporate the funding listing for outside agencies into the 2006 Proposed Budget and Work Program.

Kevin Springer Budget Manager gave a brief description of the requests from outside agencies for funding. He stated approval of this agenda item does not guarantee funding for the outside agencies. He stated approval of this resolution will allow City staff to present this funding into the proposed 2006 Budget and Work Program. Only after the actual contract for service is adopted will the outside agency receive funding.

Alderman Lucas stated she would like to add funding for three agencies, Ozark Transit, Razorback Transit and Council on Aging in the amount of \$30,000, to make that money available to be allocated among the three at a later date. This is due to the increase in gas prices.

Kevin Springer: \$30,000, that would be appropriated to those three agencies but it would be done after the proposed budget has been presented.

Kit Williams: Is that \$30,000 each?

Alderman Lucas: No, a total of \$30,000.

Alderman Marr: It looked like you chose the agencies that have transporting services. Is there a reason the Boys and Girls Club that also has transporting services was not chosen?

Alderman Lucas: I really didn't consider them because we are giving them what they requested.

Alderman Marr: So it is just because the others were below what they requested.

Kevin Springer: Let me make sure I have this clear, City staff will not allocate this amount to any of the agencies, we will just hold this additional funding as a contingency amount and let the City Council decide what to do with it.

Alderman Lucas: That is what I had in mind.

Alderman Marr: Is this amount targeted for the gas issue or is it open for them to use in any way.

Alderman Lucas: I had in mind the gas but at the time they bring their budget forward I think it would be legitimate for them to ask for this additional amount and we could decide then if it is viable. Fuel is one of their big expenses.

Alderman Marr: Will we get to see their individual budgets during their contract approval that will have the detail of what they are spending?

Kevin Springer: That is correct.

Alderman Lucas moved to amend the resolution to add \$30,000 total for Ozark Transit, Razorback Transit and Council on Aging. Alderman Jordan seconded the motion. Upon roll call the motion passed unanimously.

Alderman Thiel stated she is concerned about the Air Museum's library and documents that they have. She would like to add \$10,000 to the budget for them to use in the protection of the documents in the Air Museum. She would like these funds to come out of the General Fund not the Airport Fund.

Alderman Thiel moved to amend the resolution to add \$10,000 to the Air Museum's request for funding. **Alderman Reynolds** seconded the motion. Upon roll call the motion passed unanimously.

Alderman Reynolds voiced his concern about some of the things that are being shown on CAT television.

Kit Williams: One of the advantages of not having the City directly administer this is that we would be under real restrictions on any ability we would have to restrict content like that. You do not have to pay a provider for this public access television. That is a contract that you all choose to enter into every year. This has always been a problem. You can have them do only locally produced programs. It is dangerous for us to get into too much discussion on the content as long as it is not actually obscene. Obscenity is not protected by the first amendment but it is very difficult to define, the Supreme Court has real difficulty in trying to decide what is obscene and what is not. There are some things we can do in the contract that might help to prevent some of this objectionable material.

Alderman Marr stated he thinks we need to be careful. You can turn this station off or you can change the channel. What one may find unacceptable others may find it acceptable. I don't believe it is our job to be in the policing of that. We should look at whether we want community access television. I don't think we are the police for the community, I think the community will be that.

A discussion followed on the programming that is on Community Access television.

Alderman Jordan said he does not feel the Council should be the cable police.

Mayor Coody: I appreciate the staff bringing forward a conservative approach of using last year's budgetary numbers to keep the spending down.

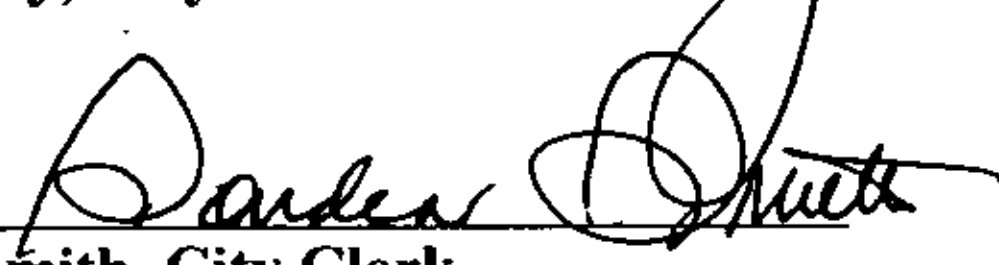
Alderman Marr moved to approve the resolution as amended. **Alderman Thiel** seconded the motion. Upon roll call the motion passed unanimously.

Resolution 197-05 as Recorded in the Office of the City Clerk.

Meeting Adjourned at 8:55 PM.



Dan Coody, Mayor



Sondra Smith, City Clerk

Nominating Committee Report
Meeting: Monday, September 12, 2005
Room 111, City Hall 5:00 p.m.
Members Present – Kyle Cook, Shirley Lucas, and Brenda Thiel

The following is being submitted to the entire City Council for consideration.

Environmental Concerns Committee

The Committee recommends the following candidate for appointment:

- *Kent Landrum* – One unexpired community citizen at large term ending 6/30/08.

Sidewalk and Trails Task Force

The Committee recommends the following candidate for reappointment:

- *Sam Lafoy* – One community citizen at large term ending 12/31/07.

Tree and Landscape Advisory Committee

The committee recommends the following candidate for appointment:

- *Amanda Williamson* – One unexpired landscaping term ending 12/31/06.