MINUTES OF A MEETING OF THE CITY COUNCIL MARCH 6, 2001

A meeting of the Fayetteville City Council will be held March 6, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 W. Mountain Street, Fayetteville, Arkansas.

PRESENT: Mayor Coody, Aldermen Reynolds, Thiel, Young, Zurcher, Trumbo, Santos, and Jordan, City Attorney Kit Williams, City Clerk Heather Woodruff, Staff, Press and Audience.

ABSENT: Alderman Davis.

CONSENT

APPROVAL OF THE MINUTES: Approval of the minutes from the February 20, 2001 City Council minutes.

McDONALD'S COST SHARE: A resolution approving a change order with McDonald's Corporation in the amount of $108,500.00 for the widening of Joyce Boulevard and the associated drainage improvements.

RESOLUTION 28-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

POLICE GRANT: A resolution accepting the Universal Hiring Grant award in the amount of $450,000.00 and approval of a budget adjustment.

REMOVED FROM CONSENT AGENDA.

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

OLD BUSINESS

POLICE GRANT: A resolution accepting the Universal Hiring Grant award in the amount of $450,000.00 and approval of a budget adjustment.

Mr. Rick Hoyt, Assistant Chief of Police, stated that this grant could possibly jeopardize police raises. They did not want to be a position to jeopardize any police benefits. They would rather

run with a leaner tighter ship. They would rather get their people the raises and the benefits that they needed in order to retain those people. If that was an issue they were ready to pull this from the agenda. He and Mayor Coody had talked about this last Friday morning. They were not under any time line on this grant. They did not have to make the decision tonight. They could go back to the drawing board and look at a reduction. There might be a way to accomplish this with less people. The bottom line was they did not want to affect any up coming raises. After reading the paper, the people at the Police Station were abuzz. They were excited because they felt there were some good things around the corner. They did not want to turn down grants. They felt that they needed to bring them to their attention. If they did not have the money in the budget, then they just did not have it. They would rather have the money for their existing people, then start a new program.

Alderman Trumbo stated they needed to be pro-active in going after these grants. He asked if after three years, could those positions be done away with if the money was not there.

Mr. Hoyt stated it would be a four year program minimum. There was going to be three-years of Federal monies given to them. This was not as simple as the 75/25. This grant would give the city $25,000 for each person. They had planned to put six people on. Everything beyond that the city had to pay for. After the third year of the grant and they quit paying the city the $150,000 per year, then the city would have to pick up the whole thing. He thought this was a good program and it would help the city.

Alderman Trumbo stated they had lost a lot of policemen to the State. He did not want them to be regressive and not be able to keep up with the increasing. He did not want them to be a training ground for police officers.

Mr. Hoyt stated the city's Hay Plan did not look at other benefits, the State Police did not pay a nickel on their retirement. Our officers al. pay 6% out of their salary. Their insurance was also 100% paid for family. Their people would like to see some incentive things like that. They needed them to retain people. They needed to look at their benefit package.

Alderman Zurcher asked if the turnover in the Police Department was mainly a pay issue and a benefit issue?

Mr. Hoyt stated of the ones that had left volunteerly, yes. They knew how many they had lost to the State Police. Before the last pay raise was instituted it was tough walking down the hall, because officers were wanting to talk about what they could do for them.

Alderman Thiel stated when she was campaigning, she had visited with the police. At that time one of their major concerns was the overtime they were having to put in. Wages were not their number one issue. She assumed some of that had been eased up. They had added three new

officers this year.

Mr. Hoyt stated that it had eased up some. They had not saturated themselves with overtime right now. People were still willing to work overtime. They had hired five new officers yesterday. They had 101 people right now. They only had four opening right now. Three of those opening were given to them in the 2001 budget.

Alderman Thiel stated this grant was going to cost the city $458,000 over the next four years. They would be getting $450,000. She would hate to see them turn down this kind of grant. If they could see some of appropriate for salaries. She knew the Hay Plan was coming up again pretty soon. She thought there would be some increases in the salaries then. They would have to deal with that cost. This grant and the school resource grant would come to a head a the same time. That was going to be a huge chunk coming out of their pocket. They were going to have to keep those eleven officers.

Mayor Coody stated they could either expand the force and keep the pay scale as it is or try to find a way to improve the salary. If they were going to continue to grow, then they were going to continue to need expanded police and fire protect and other city services. They were going to have to find a way to continue to pay for them. As the city grows, our needs grow. Our tax base was not going to keep up. Now was a very good time to begin the discussion about what they were going to have to do continue have a first class fire and police staff in Fayetteville and to improve city services. All these services cost money. They were not going to decide on this tonight.

Mr. Hoyt stated he had talked with a lot of officers this week. Without question they were for getting benefits. They would rather run short, lean and trim and work extra in order to have better benefits for themselves. As an administrator, if there was a belief that there were substandard wages or benefits, he did not want to add six more people. Let's take care of the people that were there.

Alderman Zurcher stated in the application he had talked about some things that were really needed, for example citizen advisory groups and consulting organizations, like collective bargaining groups. If they were to do this he would like to see some follow through.

Mr. Hoyt stated there were always strings attached to these grants. Often once they had started these programs they had to continue them forever. They had been doing grants since 1988. They were administering several grants now. They could handle this one but they could also handle increased wages and benefits.

Mr. Steve Davis, Budget Manager, stated the Hay Plan was done in the fall of the year. The Hay Plan also studied public safety salaries in a three to four state region. The current school resource

officer grant would run out during 2003. In 2004, the city would have to pick up $270,000 in school resource officers salaries. If they added this grant to it, our total cost being in 2004 was $415,000. That number would escalate up to $520,000 in 2005. In the budget briefings they had in November they talked about how they were using General Fund reserves, $680,000 this year. It was due to ramp up between two to three million dollars by the time they go to 2003. They currently had a little over eight million dollars in reserves, if they were to burn it off at that rate they very rapidly run out of money and resources. They did have some time to think about this. They might want to revisit the issue at another meeting.

Alderman Thiel asked if next fall was the soonest they could offer raises to Police Department.

Mr. Davis stated normally the raises went into affect the beginning of the next budget year. It would be around January of 2002. They did not have the money in this year's budget to do any raises. This request would use $64,000 of the city's reserves. The last time they did a pay range adjustment the cost was a little over $900,000. That was two years ago, the beginning of 2000.

Alderman Young moved to table the resolution. Alderman Thiel seconded the motion. Upon roll call the motion carried by a vote of 6-0-0. Santos absent for vote.

VA 01-1: An ordinance approving vacation request VA 01-1, submitted by Steve Winkler for property located east of 607 Peach. The property is zoned R-1, Low Density Residential and contains approximately 0.08 acres. The request is to vacate the street right-of-way (Haddon Avenue). The ordinance was left on the first reading at the February 20, 2001 meeting.

Mayor Coody stated the item had been pulled at the applicants request.

REMOVED AT THE REQUEST OF THE APPLICANT.

CIVIL SERVICE: An ordinance granting authority to the Fayetteville Civil Service Commission to appoint and remove the Police Chief and Fire Chief; and for other purposes. The ordinance was left on the first reading at the February 20, 2001 meeting.

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

Mr. Williams read the ordinance for the second time.

Mayor Coody stated he would put together a committee comprised of Civil Service, city personnel, firemen and possibly some city councilmen. He would never make a decision like that in a vacuum. He wanted to reiterate that. It would not be a single handed decision.

Alderman Thiel stated that after visiting with the Civil Service Commissioners, she felt that they had some very valuable citizens from the community on that commission. She thought it would be critical to his committee to use some of the people from the Civil Service Commission. They have dealt with employees in both departments over the years. They were familiar with our needs in both departments. Their input would be very critical.

Mayor Coody replied she was exactly right and he would.

Alderman Young stated it would be his preference, a situation like that would occur. He could see both sides of the issue. It was a tough decision. He would like to see what the Mayor was proposing to do and what type and how many would be on the committee. Not just for this appointment, but in the future.

Alderman Zurcher stated he would be in favor of the committee they were talking about, if what was said and done that there would be elected people accountable for the decision that was made for the fire and police chiefs. He thought they needed that kind of accountability. With this ordinance, they would be taking this accountability away. He did not want to keep the Civil Service Commission out of the process. He thought the checks and balances were pretty good now. If the Coody had the final say on who was hired and the city council decided that they did not like it, then by two-thirds vote, override that decision. That would keep the decision in the public realm. The citizens would have recourse if it was a bad decision.

Mayor Coody stated the committee he would choose to pick a fire chief would not be exactly the same committee that he would use to pick a Public Works Director.

Alderman Jordan asked Mayor Coody if he would consider a fireman or policeman on the committee.

Mayor Coody replied he would not just consider it, he would do it. When they hired people to work for the public, it should be a broad range of people having input. It was better to bring more people into the process.

Alderman Reynolds asked what he had in mind.

Mayor Coody stated he was thinking of about nine to ten people on the committee. City Council, Civil Service commissioners, a couple of rank and file folks, personnel. It would be a cross section.

Alderman Reynolds asked if they sit up the committee that was going to hire police and fire chiefs only.

Mayor Coody replied sure, it suited him. He had enough on his plate. He would welcome that.

Alderman Zurcher moved to suspend the rules and move to the third and final reading. The motion failed for lack of a second.

Alderman Young stated he would like something a little more concrete before they went to the third and final reading.

Alderman Trumbo asked if the committee would be formed by resolution or ordinance.

Mr. Williams replied it would not be either one. They could not limit the Mayor's power. The Mayor could tell the council how he was going to do it and if he violated what he had told him, then the council could reject his selection by a two-thirds vote. He thought if they wanted something in writing, then the Mayor needed to let them know what he was going to do, then they needed to take him at his word. That was the only way they could restrict it. They could not restrict the way he was going to select a candidate.

Alderman Trumbo stated they had a very civil discussion on this issue. He thought this was a good compromise. If nothing else he had gained benefit from meeting the Civil Service Commissioners.

Mr. Sam Campbell, an area resident, stated the Fire Department was composed of ordinary people with unusual demands placed on them. Unlike the Police Department they did not have continuing emergency. They had time between emergencies. It followed the principle of a guerrilla army, that if you did not keep them occupied they were going to shot one another. Then they had the union, to settle personal grudges. The Fire Department has got to have an outside disciple applied to it. A dysfunctional Fire Department was going to show up in their performance and eventually in the fire premium. The Fire Chief had to have some standing and ability to discipline. If they were to react too quickly to unions, then they destroy the chief's authority. The problem is now to repair the damage. They needed to do something to give authority to the standing of the chief. Mr. John Deane, 2174 Cinnamon Way, stated this council had not made a basic fundamental policy decision in years. All they did was adopt the findings of a committee. They did it all the time. He was not surprised that they were going to form another one. This city had more committees than any place on earth. There were subcommittees of committees. Many people who served on the committees had an agenda and a single minded focus. The council needed to look at the city as a whole and what was best for the city. He was glad to see the Mayor had recognized the need for funding. He knew of no better funding than sales tax. Do what they wished with the Civil Service Committee, it was probably least political of all their committees. They did not justify their decision by stating they were elected by the people and that they should make the decision. The most they ever did was appoint a committee. When Kohls had the grand opening, would the Mayor be cutting the ribbon or carrying the sign

with Mary.

LEFT ON THE SECOND READING.

NEW BUSINESS

RZ 01-1.00: An ordinance approving rezoning request RZ 01-1.00 as submitted by Ben Israel of Dixie Development for property located at 2091 E. Joyce Boulevard. The property is zoned A-1, Agricultural and contains approximately 4.81 acres. The request is to rezone to R-O, Residential Office.

Mr. Williams read the ordinance for the first time.

Alderman Trumbo stated he had not received any calls on this issue.

Alderman Trumbo moved to suspend the rules and move to the second reading. Alderman Reynolds seconded the motion. Upon roll call the motion carried by a vote of 6-0-0, Zurcher absent for vote.

Mr. Williams read the ordinance for the second time.

Alderman Trumbo moved to suspend the rules and move to the third and final reading. Alderman Thiel seconded the motion. Upon roll call the motion carried by a vote of 6-0-0, Zurcher absent for vote.

Mr. Williams read the ordinance for the third and final time.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed by a vote of 6-0-0, Zurcher absent for vote.

ORDINANCE 4294 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RZ 01-2.00: An ordinance approving rezoning request RZ 01-2.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of J.E. Lindsey Family Limited Partnership for property located south of Chamberland Square and east of Betty Jo Drive to Shiloh Drive. The property is zoned C-2, Thoroughfare Commercial and contains approximately 18.25 acres. The request is to rezone to R-2, Medium Density Residential.

Mr. Williams read the ordinance for the first time.

Alderman Santos asked that they leave this ordinance on the first reading. He had heard some

concerns from neighbors. It was an area which already had flooding problems.

Alderman Jordan stated there was a serious flooding problem in the area. He needed more time and study.

Alderman Young asked if it could be addressed during the large scale development.

Mr. Conklin stated the issue was the water standing on Betty Joe Drive during heavy rain. He had spoken with the Street Superintendent The culvert and inlets were at or near capacity. The main reason they were having water ponding in the streets was because of the debris in the culvert. This rezoning was east of Betty Joe. The runoff would need to be directed to the east into the tributary of Hamstring Creek. They would work with the city's engineering division to see if there was any work which could be done. If they were going to have traffic using Betty Joe would this rezoning be appropriate. Keep in mind this property was currently zoned C-2, Thoroughfare Commercial. They were down zoning it to R-2, Medium Density Residential. The amount of traffic generated from the new zoning district would similar as C-2. In response to questions, he stated anytime they had development, they encouraged access to the residential developments, so the residents could access the shopping center. Shiloh Drive was a one way street from Wedington to 6th Street.

Alderman Jordan stated the residents did use Betty Joe Drive. His only concern was that once Betty Joe flooded then all those people had to use Shiloh, which was a one way street. If they could fix the drainage problem, he would not have a problem.

Mr. Conklin stated the traffic generated from this new development it would still be within the guideline of the general plan of less than 4,000 vehicles per day. He understood his concerns.

Alderman Thiel asked if any of the drainage problems on Betty Joe could be eliminated with this addition.

Mr. Conklin stated he was not familiar with where the street was flooding. This site was down stream from Betty Joe. Any drainage from this site would flow east and not into Betty Joe Drive. It was not going to compound the problem.

LEFT ON FIRST READING.

SHILOH WEST APARTMENTS: An ordinance approving a waiver of Ordinance 3793 to accept land and money in lieu as the park land requirement of Shiloh West Apartments Subdivison.

Mr. Williams read the ordinance for the first time.

Mr. Bill Ackerman, Parks and Recreation Advisory Board, stated their recommendation was to accept money and land in this situation. This project has had a reduction in the number of units. They had adequate land in the area. They also had the property to the west of this one. They had another ten acres there that they were going to joint venture with the Boys and Girls Club. In this development approximately one-half acre would be designed for the tenants in this complex. They recommended that the council accept their recommendation.

Alderman Thiel stated she had been on the Parks Board when this first came through. At that time they were seeking only money. She understood there had been a change. She thought that was for the good with the interest in the trails. She was glad to see they were taking the trail land. She thought it was a good compromise to have a little of both. That park quadrant did need some money.

Alderman Santos stated this proposal did involve the dedication of some property which would create a trail from this residential area to the future home of the Boys and Girls Club as well as money in-lieu of land dedication.

Ms. Connie Edmonston, Parks Director, stated that according to the Park Land dedication ordinance that funding which was collected in that park district must be spent in that park district. It must be spent in a park which was south of Hwy 16 and west of Hwy 71 within three years. It could be used for that trail or another area in the same quadrant.

Mr. Dave Jorgensen, Engineer, stated it was a perfect situation for the parks and the trails.

LEFT ON THE FIRST READING.

RZ 01-3.00: An ordinance approving rezoning request RZ 01-3.00 as submitted by Wes Burgess of Crafton, Tull and Associates on behalf of NOARK Girl Scout Council for property located at the northeast corner of Joyce Street and Park Oaks Drive. The property is zoned R-2, Medium Density Residential and contains approximately .48 acres. The request is to rezone to R-O, Residential Office.

Mr. Williams read the ordinance for the first time.

Alderman Santos stated this was another down zoning. It had the support of the Planning Commission, Master Plan, and the Planning Staff.

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

Mr. Williams read the ordinance for the second time.

Mr. Rudy Upshaw, NOARK Girl Scout Council, stated he wanted to express their excitement for having more of a physical presence in the city of Fayetteville.

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

Mr. Williams read the ordinance for the third and final time.

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

ORDINANCE 4295 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

GIS COMPUTER MAPPING: An ordinance repealing Ordinance 3865 which authorized the City Council to set prices for the sale of GIS Computer Mapping and repealing Resolution 10-95 which set such price.

Mr. Williams read the ordinance for the first time.

Alderman Santos stated it was a very fair thing to do.

Mr. John Goddard, GIS, stated this was going to be a good thing for both staff and the public. They had numerous request from the public and other government agencies. With the ability to download from the Website it was going to be easier.

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

Mr. Williams read the ordinance for the second time.

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

Mr. Williams read the ordinance for the third and final time.

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

Alderman Zurcher moved to approve the emergency clause. Alderman Santos seconded

the motion. Upon roll call the motion carried unanimously.

ORDINANCE 4296 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RURAL FIRE CONTRACT: An ordinance amending Sec. 33.046, Code of Fayetteville, to establish annual fees for Rural Fire Contracts for the two year period of June 1, 2001 thru May 31, 2003.

Mr. Williams read the ordinance for the first time.

Mr. Jeff Erf, area resident, asked if the ordinance applied to the University Experimental Station, which was not incorporated into the city. Did they had a contract with the city?

Mr. Wayne Ledbetter, Fire Chief, stated they covered the University Farms as well as the campus. The campus was also State Property. For a while they did not cover the farm. It was his understanding that they now covered both.

Mr. Don Bunn, Assistant Public Works Director, stated they coved that area because it was part of a lease agreement for soccer fields along Lewis Avenue. In the lease agreement, part of the city's payment came in the form of waiving those fire suppression charges for that area.

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

Mr. Williams read the ordinance for the second time.

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

Mr. Williams read the ordinance for the third and final time.

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

ORDINANCE 4297 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RESEARCH AND TECHNOLOGY PARK: A resolution approving a refund of the purchase price of Lot 1, Research and Technology Park, of approximately 2.5 acres and reimbursement of other costs expended by original purchaser and cancel option issued to Cache Investments for adjoining property.

Mayor Coody stated they had rethought their position on the 540 site for Research and Technology. For various reasons they thought it would be good to reimburse Jeremy Webb.

Mr. Maguire, Administrative Services Director, stated the city was slowing down the development out on 540. He explained this was acquiring back 2.5 acres of land and reimbursement of soft cost. It was a fairness issue. $90,680.58 was allocated to land. $43,576.05 was for soft cost. This was not the only contract they had out there. They would also be reimbursing them.

Alderman Reynolds asked what the future plans were for this site.

Mayor Coody stated they had been working with the Chamber. They might have the opportunity to free themselves from some of the wetland and streams with the State. The remainder land was worth more than they had paid for it. They might have some private investors which might be interesting in doing their own private development out there. There was a lot of momentum to put a Research and development park at the Genesis Center.

Alderman Zurcher stated the Arkansas Darter was out there and it was a candidate for the Endangered Species list.

Mayor Coody stated they were going to negotiate with some private investors. It was hard to justify spending millions of dollars out there and then giving the land away at a reduced price. They could spend the money more efficiently in another location.

Alderman Thiel stated there was some money out there for this park for signage.

Mr. Maguire stated they were expecting to receive it in the next couple of weeks. They were in the process of having the property appraised.

Mayor Coody stated if a private developer did take this land and did do an office technology park as opposed to a research and development park that it would be very beneficial to hook up with fiber optics and have good commication links between this 540 site and Genesis site. No one else would have a direct link to the Genesis site. It might make an added bonus to this property.

Alderman Thiel moved to approve the resolution. Alderman Santo seconded the motion.

Ms. Andrea Bradwell, University of Arkansas, stated she worked with the Darter. She asked that they keep all options open on what they decided to do with the wet lands.

Mr. Jeremy Webb stated they had been a big advocate for technology in this area. There was a great need for one in Fayetteville. Technology companies fed off other technology companies. It

helped them grow. They wanted to be the firsts ones in any technology park. Their big thing was that they wanted to be with the others. The Genesis site could be good. They would rather be in an all technology park.

Mayor Coody stated they were thinking about on 540 side, having Technology and business there and perhaps research and development at the Genesis site.

Mr. Webb thought that would be a good thing. If they could open up the area down there and have commercial there. The University and the commercial were going to be able to feed off each other. They needed to keep the technology here. They just needed a place to be.

Upon roll call the motion carried unanimously.

RESOLUTION 29-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

BEKKA PARKING SPACE REVENUE: Consideration of a claim by Bekka Development for lost parking space revenue in conjunction with the Town Center. If the claim is approved, approval of a budget adjustment to fund the approved claim is also requested.

Mayor Coody stated he had asked them to bring this back up. He felt they had an obligation to see if they could not square up with Bekka Development. They had made some generous contributions to the community. He wanted to see if they could settle up with them.

Alderman Trumbo stated they had helped a lot with the town center. It would make since to reimburse them for loss of revenue. The whole project would not have happened without Bekka.

Mr. Williams stated Bekka's attorney felt there was a legal obligation for the reimbursement. He concurred with Jerry Rose's opinion that in fact the parking revenue was not a legal obligation, however, it was incident to the building of the town center. It was something the city council could and in fact did in the past reimburse them for some of their lost parking revenue.

Ms. Diane Boyd, Bekka Development, stated there will be receiving their parking back. At the time they were negotiating the land for the plaza. It was agreed that if they leased it for the plaza that they would not be responsible for any kind of expense or any out lay of money. That was why they wrote the lease to say that the lessee shall bear all cost and expenses directly or indirectly associated with the leased premises including. If not for the lease with the city, they would not have lost the revenue from the parking. They had the revenue coming in monthly and had a waiting list for the spaces. They had also given up the right to ever develop their land.

Alderman Zurcher moved to approve the resolution. Alderman Thiel seconded the motion.

Mr. Jeff Erf, an area resident, stated the Town Center was an A&P commission project paid for with HMR Tax money. Why did the city feel obligated to pay this claim rather than the A&P Commission.

Upon roll call the motion carried unanimously.

Mr. Steve Davis explained while the A&P Commission did manage the Town Center. The Town Center was a city project. It was not an A&P project. The money to pay for this came from the Town Center Construction Fund because it was a project expense. The Construction Fund was comprised of bond proceeds, HMR Taxes, a transfer of A&P reserves and a transfer from city sales tax and a transfer from the Off-Street Parking Fund. It did not come from anyone's operating budget. The A&P Commission is a separate appropriating body from the City Council. The Parking issue, this invoice went through December. The Town Center was not going to be completed until June. They needed them to authorize reimbursement until the Town Center is opened. He did not expect the next invoice to be more than this one. They could put a limit on it so they would not have to keep coming back.

Alderman Young moved to approve a budget adjustment in the not to exceed amount of $6,400. Alderman Jordan seconded the motion. Upon roll call the motion carried unanimously.

RESOLUTION 30-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

BEKKA LEGAL EXPENSES: Consideration of a claim by Bekka Development for legal expenses in conjunction with the Town Center. A claim for parking rental revenue was approved at the June 20, 2000 meeting of the Fayetteville City Council.

Mr. Williams stated the pervious council had looked at this and tabled it pending a decision from the court on whether or not they would award attorney fees to Bekka, since Bekka had prevailed and was dismissed from the suite.

Ms. Boyd explained the last time they were before the council they still had a petition pending, requesting that they be awarded attorney fees. That request was denied. They will not receive any attorney fees from anyone else. The attorney fees were the same situation to them as the parking. If not for the lease with the city they would not have been involved in the law suite. They enter into the lease in good faith. They had no choice, but to defend themselves. It was an added expense covered under the lease. They had invoiced the city for it. The city should abide by the contract. They tried real hard to try and cooperate with the City.

Alderman Trumbo stated he felt they should reimburse the legal fees. The city had received considerable help from their attorneys and they had helped the city.

Mr. Williams stated the city would be perfecting the appeal as the major party being challenged. They had their attorneys working on it. The insurance company for the city decided to accept the case and provide representation. They were covering every issue that could be claimed by Bekka. There was one issue that Bekka might want to do a separate brief on. He did not think there should be much more additional cost to Bekka.

Ms. Boyd stated as far as she knew the city would cover just about everything on the appeal. She thought there was one issue that they might have that the city would not have. She hoped the city would cover everything else in the appeal.

Alderman Trumbo moved to cover the legal expenses for Bekka. Alderman Thiel seconded the motion. Upon roll call the motion carried unanimously.

RESOLUTION 31-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

CREEK CLEANUP: A resolution in support of the April 28, 2001 Fayetteville Creek Cleanup along Skull Creek and other creeks in Fayetteville.

Alderman Zurcher stated last year there had been a group formed called Fayetteville Urban Resources Stream Team. That group brought about two or three hundred people together for their first annual stream clean up. It was down on Skull Creek. They pulled a lot of stuff out of the creek. They were not planning their second annual clean up. The Environmental Concerns Committee recommended this resolution. It did include some things beyond they city's support. It did require some equipment from the city and some staffing for information booths.

Alderman Zurcher moved to approve the resolution with amendments. Section 1,C. #4 will read, "establishing multi-use trails along creeks and streams." #4-6 will move up one number. Alderman Young seconded the motion. Upon roll call the motion carried unanimously.

Ms. Terry Easton, 2003 South Ashwood, stated Friends of Fayetteville would want to be involved in this project.

RESOLUTION 32-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Mayor Coody stated all of Fayetteville needed to be cleaned up. They would start to see a concerted effort from City Hall to do a serious effort to clean up litter and junk throughout the town. He commended the people doing the stream cleanup. It was a start on what they needed to do citywide. They needed to start picking up their litter and to discourage people from littering.

Meeting adjourned at 8:45 p.m.