MINUTES OF A MEETING
OF THE
FAYETTEVILLE CITY COUNCIL
APRIL 3, 2001

A meeting of the Fayetteville City Council was held on April 3, 2001 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

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

ABSENT: Randy Zurcher

NOMINATING COMMITTEE REPORT

Alderman Santos moved to appoint:

NOMINATING COMMITTEE REPORT

AIRPORT BOARD
Otto J. Loewer, One new position, five-year term ending 12/31/06
Dave Bowman, One new position, five-year term ending 12/31/06

BOARD OF ADJUSTMENTS AND BOARD OF SIGN APPEALS
Michael Andrews, One five-year term ending 03/31/06
Michael Green, One five-year term ending 03/31/06

CIVIL SERVICE COMMISSION
Larry Bittle, One six-year term ending 03/31/07

CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS
Thomas Campbell, One full five-year term ending 03/31/06
Matt Bodishbaugh, One alternate one-year term ending 03/31/02
Stan Johnson, One alternate one-year term ending 03/31/02

ENVIRONMENTAL CONCERNS COMMITTEE
James Shumate, One expired term ending 06/30/02

PARKS AND RECREATION ADVISORY BOARD
Kyle Cook, One unexpired term ending 12/31/02

PLANNING COMMISSION
Don Bunch, One three-year term ending 03/31/04
Sharon Hoover, One three-year term ending 03/31/04
Alice Bishop, One three-year term ending 03/31/04

YOUTH ADVOCACY COMMITTEE, formerly Juvenile Concerns Committee
Kay DuVal, One unexpired term ending 05/31/01
Catherine Roland, One unexpired term ending 05/31/01
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ADVERTISING AND PROMOTION COMMISSION
Curtis Shipley, Public at Large position for term expiring 04/01/05
Ching Mong, Manager of Quality Inn for term expiring 04/01/05

Alderman Young seconded the motion. Upon roll call the motion carried unanimously.

CONSENT

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

PARKING DECK: A resolution approving a contract amendment in the amount of $26,750.00 with Garver Engineers in connection with the design of the parking deck on the E.J. Ball lot.

RESOLUTION 45-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

GENERATORS: A resolution awarding Bid No. 01-13 in the amount of $111,778.00 to Williams Tractor for the purchase of two trailer mounted generator sets.

RESOLUTION 46-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RESEARCH AND TECHNOLOGY: A resolution requesting appropriations from the Department of Finance and Administration Disbursing Officer for money held in escrow for the Research and Technology Park.

RESOLUTION 47-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

CELL PHONES & PAGERS: A resolution amending the Rules of Order and Procedure of the Fayetteville Mayor/City Council by adding a restriction against use of Cell Phones and Pagers during meetings.

REMOVED FROM CONSENT AGENDA. DISCUSSED UNDER NEW BUSINESS.

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

OLD BUSINESS

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

Alderman Davis stated the Mayor had mentioned to Alderman Jordan that he was going to add another position to the committee.

Mayor Coody stated they could add the position to the committee.

Alderman Jordan stated he would like to have a rank and file fireman, Captain or below.

Alderman Davis added this committee was only for this one hiring.

Mayor Coody stated they could add the position and asked Ms. Woodruff to add the position to the committee list.

Alderman Trumbo stated this was symbolic and it was not binding and it could change.

Mr. Williams stated that was correct. It was not binding on the Mayor.

Mayor Coody asked shall the ordinance pass. Upon roll the motion failed by a vote of 1-6-0. Trumbo voting yea.

ORDINANCE FAILED BY A VOTE OF 1-7-0.

NEW BUSINESS

VA 01-3.00: An ordinance approving VA 01-3.00 submitted by Bleaux Barnes for property located along the south side of Appleby Road and to the west of the Quail Creek Subdivision. The request is to vacate that portion of the existing Appleby Road right-of-way in excess of the Master Street Plan requirement.

Mr. Williams read the ordinance for the first time.

Alderman Davis stated this was a right-of-way which had been vacated. It's access to the Master Street Plan was no longer needed.

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

Mr. Chris Bracket, Jorgensen and Associates, stated this had been an oversight when they took the Preliminary Plat through. They did not know that there was existing right-of-way along Appleby. They showed a dedication that went along with the Master Street Plan. When they brought the Final Plat through, it had been brought up by the City that there was existing right-of-way. They were dedicating what was required by the Master Street Plan. Where the right-of-way was there would be a drainage easement. The city will still have options on this property. It would not be right-of-way, but easement.

Mr. Williams stated the Planning Commission had approved this subject to the applicant paying a reimbursement of $815.40. He asked if this had been paid.

Ms. Dawn Warrick, City Planner, stated they had not paid to date. They were waiting for the Council's action. The applicant had agreed to pay that amount.

Alderman Trumbo moved to suspend the rules and move to the third and final reading. Alderman Davis 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 4305 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RULES OF ORDER AND PROCEDURE: Discussion of amendments to the Rules of Order and Procedure of the Fayetteville Mayor/City Council.

Alderman Thiel stated she thought it would be a good idea to review and go over some of the policies and possibly discuss some revisions. She read some of the rules relating to conduct required of the public and of the council. She stated she had been contacted by several people wishing to impose a time limit on each speaker. She thought that a time limit should be set for public comment. She did not believe that designating a reasonable time limit would be an infringement of anyone's freedom of speech. It simply allowed everyone an equal opportunity to speak. She had been contacted by several people complaining about some of the lengthy public comments. She had also discovered that many cities had a time limit policy, including Little Rock. In Little Rock, a speaker is allowed three minutes then if there are questions from the Council, the time is extended to allow for questions.

Alderman Davis stated the Mayor was in charge of the meeting. He could set them at his will within the boundaries of the rules. If he wanted to set a time limit, he could.

Alderman Thiel stated there was even a device to help keep the time. Legislatures use this too. It was a device with three lights and a buzzer. She thought it would be a way to give everyone an opportunity to speak before the council. She wanted it to be considered a reasonable amount of time. She liked the idea of it being in their policy. She thought it would help their meetings go better. She did not believe it was unique.

Alderman Santos stated he was not in favor of setting a time limit. They might have to remind people to not abuse their privilege and speak too long. He thought they could do it in a friendlier way than setting a time limit.

Mayor Coody stated he could see an argument for both sides. An impartial and impersonal time limit would be handy for them to help avoid making someone mad. On the other hand, he thought this might be a reaction to the last meeting that they had.

Alderman Thiel stated it was not a reaction. She had a number of people call and asked her to do something about this right after she was elected. She had only spoken with one person who did not believe this was a good idea. She realized the Mayor had the prerogative of setting the time, but then it became subjective.

Alderman Young stated if the Mayor set a time and stuck with it, then those people should have nothing to complain about. Now, if he set a time and did not follow for one, but did for another. There was no difference between the Council setting a time and the Mayor setting the time. The time is the time.

Mayor Coody stated he would try and do a better job of trying to keep people on track.

CELL PHONES & PAGERS: A resolution amending the Rules of Order and Procedure of the Fayetteville Mayor/City Council by adding a restriction against use of cell phones and pagers during meetings.

Alderman Young stated if they passed this he would like to see a sign in front of the meeting door, stating no cell phones.

Mr. Williams stated this would need to be made a part of their procedure. There might be a couple of other things that might be coming along in the future, along with some other recommendations. He thought it was better to address it and put it into the procedure.

Alderman Trumbo moved to pass the resolution on cell phones. Alderman Davis seconded the motion.

Mr. Bobby Ferrell, an area resident, asked if they would be allowed to have a cell phone if it had a vibrator.

Alderman Young moved to amend the resolution to add "silent mode". Alderman Santos seconded the motion. Upon roll call the motion carried unanimously.

Mr. Erf, an area resident, asked if there was a decision made on the three minute issue.

Mayor Coody replied he was going to be more strict.

Mr. Erf encouraged the Mayor to run a tight meeting and that when people strayed off the subject to bring them back in line. He encouraged him to cut people off if they were repetitive. He did believe the three minute limit was appropriate. He asked that they try and keep people from repeating themselves or what others have said.

Alderman Santos stated he had seen the Planning Commission have a sign up sheet, when there was a lot of people who wanted to speak.

Alderman Young stated they did not even have to have a sign up sheet, if people would just start to drift toward the podium.

Upon roll call the motion carried unanimously.

RESOLUTION 48-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

VICE-MAYOR: Election of a Vice-Mayor.

Alderman Trumbo moved to appoint Bob Davis vice-mayor. Alderman Jordan seconded the motion.

Mayor Coody explained that he had asked Bob Davis before the election, if he was to win the election would he stand as Vice Mayor. It had been before his election. He was not aware of the rules and procedure at that time.

Upon roll call the motion carried by a vote of 6-0-1. Davis abstaining.

AMENDMENT TO BID WAIVER: An ordinance approving an amendment for a bid waiver, Ordinance 4289, Section C, to change the total cost from $27,000.00 to $35,000.00.

Mr. Williams stated that before they could consider this, since it was not brought up at agenda session, they would need to vote to suspend the rules in order to consider an item which was not originally on their agenda.

Alderman Trumbo moved to suspend the rules. Alderman Santos seconded the motion. Upon roll call the motion carried unanimously.

Mr. Williams read the ordinance for the first time.

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

Mr. Williams read the ordinance for the second time.

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

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

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

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

ORDINANCE 4306 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Meeting adjourned at 7:00 p.m.