

**MINUTES OF A MEETING
OF THE
FAYETTEVILLE CITY COUNCIL
JUNE 5, 2001**

000263

A meeting of the Fayetteville City Council was held on June 5, 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 called the meeting to order and asked the City Clerk to call the roll. Present upon roll were Aldermen Young, Zurcher, Trumbo, Davis, Santos, Jordan, Reynolds, Thiel and Mayor Coody. Also present were Interim City Attorney, Kit Williams; City Clerk, Heather Woodruff; and members of staff, press and audience.

Mayor Coody then asked for the Pledge of Allegiance. Tonight for our entertainment pleasure, I want to do something a little differently. I went on the square the other day, last Saturday I ran across this very weird oboe, excuse me, basoom quartet. I do know the difference and it was so good I wanted to introduce the folks here at the city hall, this little group. And these are basically four folks, some from out of state, St. Louis, Columbia, Missouri, Fort Smith and Richard. You're Richard aren't you? You teach at the university here. This is a Hung Lee, Jessie Shartz, Richard Ramey and Leah Rebae. And I've asked them to play a piece for us tonight. So please. So quartet plays. The everyone claps. The mayor says I appreciate you guys doing that for us. Adds an interesting element to local politics.

Alderman Santos says I need to help the mayor, I believe the young lady is from the Columbia SA.

The mayor says is that right? Columbia, South America? I thought that was Columbia, Missouri. Sorry. I thought that was Columbia, South America. Sorry, there's a world of difference there. Alright. I guess now we get down to business. On the consent agenda we have approval of the minutes and he continues to read the consent agenda.

CONSENT

1. **APPROVAL OF THE MINUTES:** Approval of the minutes from April 17 and May 1, 2001.
2. **POLICE PHYSICAL FITNESS POLICY:** A resolution adopting a revision to the Police Department's Physical Fitness Policy.
3. **COPS FEDERAL GRANT:** A resolution accepting the \$225,000 COPS Universal Hiring Program Federal Grant and approval of a budget adjustment in the amount of \$37,617.00 from Use of Fund Balance.
4. **INTERLOCAL AGREEMENT:** A resolution approving an interlocal agreement between the City of Fayetteville and the City of Johnson for the installation and ownership of a traffic signal at Wilkerson and Joyce.

City Council Meeting Minutes

June 5, 2001

Page 2

5. **SIDEWALKS AND TRAILS COMMITTEE:** A resolution establishing an advisory committee to be known as the Sidewalks and Trails Advisory Committee, setting forth the selection process for membership and the responsibilities of the Sidewalks and Trails Committee.
6. **SAGE HOUSE:** A resolution approving a long term lease with Economic Opportunity Agency of Washington Co. Inc. for Sage House.
7. **COX COMMUNICATION:** A resolution approving an amendment to the present franchise agreement with Cox Communication to release them from their obligation to carry a Little Rock, Arkansas, network affiliate broadcast station.
8. **PARKING DECK:** A resolution approving Amendment No. 2 in the amount of \$12,000 to the contract with Garver Engineers for additional geotechnical study regarding the proposed parking deck for the downtown area.
9. **ARKANSAS BUSINESS TECHNOLOGY PARK:** A resolution approving a grant application for assistance from the Economic Development of Arkansas Fund.

The mayor says right now I'd like to ask if we can pull No. 7 from the agreement. I got a call this afternoon from some folks who would like to address the Cox Communication issue. So if we can pull that.

Alderman Davis moves to accept all the other items on the Consent Agenda. Alderman Jordan seconds. The mayor then states we have a motion and second to approve the remaining Consent Agenda. Shall this pass? The city clerk then calls the roll and upon roll call the motion passes.

The mayor then says now for the Cox Communication. I think there's some folks here, Al Lopez and some folks wanted to address this issue. If you would like to step forward and make your presentation.

Elsa Hernandez and I'm now working for K20 Hispanic Television. And I'm also a Cox Communication customer. And even though I'm bilingual what I see is that when we have, for instance, when it comes to weather. Weather changes. Right now we have the thunderstorms season, tornadoes. And whenever we see warnings and watches on the television or we watch the news and we see everything is in English. There is nothing giving any thing warnings in Spanish for the Spanish speaking communities speaking community. Those that are just newcomers that speak only Spanish, they don't speak the language just yet. They don't understand what's going on. They don't know what is needed to do in case of an emergency. Then what do they do. How do they handle that situation. There's no way of them knowing what is this report saying or what is-what you need to do in case of an emergency. They tell them yeah you go to the center of the room, get away from windows. But they don't understand that. And even though there's Galavision and Univision that are Spanish speaking stations they don't have local weather. They don't have that. They have local news. They don't have

City Council Meeting Minutes

June 5, 2001

Page 3

community service. They don't have any of that and I think that the community are asking for that. Now that K20 is the first Spanish television station, I think it would be good for Cox Communication to have us as well as for the community because they will get cable in order to get Univision and Galavision and K20 included. And if you see the package that I just gave you, right now you will a point, the first point we see that we have hourly news cast, featuring myself. Elsa Hernandez reporting on news of importance to Hispanics. That includes local, national, excuse me and international news. We have reports from President to wants going on in government here in the United States because that's where we live. We also have, we're working together with Northwest Arkansas Community College in the new program they have, its Paso Paso, or step by step which is helping the Hispanics students that is just graduating to get ahead and help them in their English to make it better. Yes, sir.

The mayor says I just have a question here. I think that your premise is that you would like for Cox to instead of just blacking out Channel 4, use that for a station as-like you're talking about. Is that basically right.

Ms. Hernandez says no. We're not opposing for them to-at that new channel they are asking for on the contrary. I think it would be good but at the same time we would like for them to have a space to have us since we're local. We're promoting education, community, every thing that has to do with our local community. That's going to inform the Hispanic, Hispanic community of what's going on in the area. From local events, we had Feather Fest, we have the Cinco De Mayo festival at the Jones Center. We are informing them of this program with Northwest Arkansas Community College is working on which is Step by Step. We also had the, excuse me, I thoroughly

Alderman Trumbo says Elsa have you already been to the Telecommunications Board with this presentation? I don't think, no we haven't. We just knew about this meeting and we knew that Cox Communication was going to be here. And lot of the people that has been watching us has been calling me and sending e-mails of what can they do, or how can they do to be able to get K20 on cable. Because most of them like myself, we're customers of Cox Communications but at the same time we would like to be able to receive K20. Like myself, in my case, or my family, we have Cox on the living room, you know or in one of the rooms then we have an extra TV unhooked so we could get K20. That is the only way.

Al Lopez says to be brief because I know that you have a lot of things. All we're here to do is to ask from you and yes to have the vision because we know that Fayetteville always has that vision to be the first ones in allowing a Spanish channel television that's local so that we can reach out to the Latino community. That is happening right now. A lot of the people out there with the rabbit ears antennas. They're hooking up because it's local and they're finding out and there's plans to teach English through television and local news is very important too. So we're just saying here to if there is anyway that the City of Fayetteville can help out to guide us through the process of being able to-you be the first ones I know that others will follow if you maybe consider this.

The mayor says I would like to ask, I guess I can ask Marvin here. What steps these folks should take

City Council Meeting Minutes

June 5, 2001

Page 4

to see if they couldn't promote this idea?

Marvin Hilton says actually if we can show a need for another language station, we have a right to ask for it in the franchise. So I don't know where that is right now but we can ask for a Spanish speaking station. If we show a need for it.

The city attorney interrupts to say we'd have to show a need for that. And of course, if there is a real need I think they'd be eager to fill that because they want to reach as many viewers as possible. I haven't seen any evidence or information that would be able to demonstrate a need to Cox which would justify us in our franchise negotiations to request a Spanish speaking station in Fayetteville. Who knows in the future obviously there might be a need that could be proven.

Alderman Zurcher says I'd like to look at the census figure, the way the census figures we have for Fayetteville. I mean I don't know what kind of percentage would demonstrate a need but I would

Alderman Santos interrupts says I bet Mr. Lopez has a pretty good idea what the latest Latino percentage is.

Mr. Lopez says well, over all, I mean northwest Arkansas you that in the whole nation is biggest growing. The fastest growing in Latino population and I just feel that if its not here in Fayetteville its coming. And we should be prepared because I just think about, image a tornado hitting and people not knowing what to do. I mean education is the most important thing that we have to do. And I feel if Fayetteville takes that lead in saying yes before people get here, before our population grows in Fayetteville lets starting working with it. Others will follow and we could really have a good thing going. Its needed. The numbers right now are proving that its needed. We have people right now disconnecting cable and buying the rabbit ears because it's a local station. News in the morning, education and letting people know really not only their rights this community but also their obligations of how to be a part of this community. So I think its important and number wise in Fayetteville I don't know. All I know is that when I play a Chester's with the Barrio Band a lot of Hispanics show up. A lot from the area plus Anglos too, just come and join and have fun. But at the same time its very important for us to educate our Latino brothers and I think this is a great opportunity.

The mayor says the last time I looked at the census figures and I'm not sure I have these right because there's so many numbers I might have gotten it confused but I there are 2500 Hispanics residents in Fayetteville now.

Alderman Young says I think there is something else. Marvin? Am I incorrect but that it seems to be like there was something, federal regulations or something about they must carry local stations?

Marvin responds well on this subject I believe we need to check two things. We need to check when the need has been met in our for the cable operator to supply another language station and the other thing we need to check, we need check and see what we said in the needs and interest assessment that

we did before the beginning of this negotiation.

Alderman Young said no, no, that's not what I'm talking about. I'm talking about if a station starts up locally they have to be carried. I thinking about one right now and its also in Springdale and its being carried.

Marvin responds I believe it has to be full powered but I would have to check on the rules. The rules get

Alderman Young interrupts and asks Mr. Lopez are you at full power or where are you?

Mr. Lopez states it's a low power station.

Alderman Young says it's a low power station okay.

Mr. Lopez says being seen with an antenna with the rabbit ears as I said in Springdale and Rogers. I mean you can tune in. I don't know if in Fayetteville you tune in too. So I invite you to just you know may, not to cut cable, by one of those switches that you can go and switch on and kind of find out and see what's going on because I really feel that it's the next step and its needed. Right now there's two spanish radio stations in town and we reach people through that. Actually there's three now. And there's two spanish newspapers. But on a day to day basis if we could have somebody telling those news in the morning and when the weather is bad to come on the air and let people know. I think that would help immensely.

Alderman Thiel said I certainly think this is a good idea. I just don't know if it has anything to with this particular item on the agenda.

The mayor says well I know what you are saying. I'm not sure it does either. Marvin, what is the next move they should, should they talk to the Telecommunications Board.

Marvin says actually this is not really related to the issue on the agenda. It's another issue that we certainly let them

Alderman Thiel interrupts to say but should they go ahead, he's asking though if they should go ahead and go for the Telecommunications Board or can you help. I mean I think this is a good idea its just not, is not the time for it.

Marvin said we need to look at it. We need to look and see what we said in the needs and interest assessment about that subject.

Alderman Thiel interrupts to say and check out possibly what size.

Marvin continues to say and also the rules.

Alderman Thiel says right.

Marvin continues about requiring a Spanish-speaking station.

Alderman Zurcher says but where would the next, I know we need to look at stuff but I mean is Kit working out the agreement with the company or is the Telecommunications Board working on that or who's actually working on franchise.

Marvin responds Kit along with our consultant is working on the negotiations for the new franchise agreement. So I guess at this point the Telecom Board could forward a recommendation to you before you have that completed.

The city attorney then says that wouldn't be a bad idea if they wanted to appear before you and then you could send me a recommendation. And we need to look at some of those other things especially about whether we can establish to the cable company that there is need actually here in Fayetteville. That would be something that would be very important in these negotiations.

Alderman Thiel says so you'll get with them and kind of find out what they need to do.

Marvin says we'll check it out.

Alderman Santos says the need may be small now but it is definitely growing. I know the university has big goals for increasing enrollment and the only segment of the population with increasing numbers of school children is the Latino segment. So we already have multi-disciplinary task force trying to the Latino population. Trying to get them interested in coming to the University of Arkansas. This could be useful for that. And it would be a very good thing to have in the community.

The mayor says so you can get with Marvin and he can get you set up with the Telecommunications Board.

Mr. Lopez says thank you very much and we apologize coming here and not really being on the agenda or talking even about what you're talking. We just saw Cox Cable and that you were going to get together today and we went a little crazy and just ran up here and talked to you. So I apologize but at the same time thank you for having the vision and doing what you are doing.

The mayor says thank you for your interest. So I entertain a motion to approve Cox Communication. Alderman Davis says so moved and Alderman Zurcher seconded. We have a motion and second. Shall it pass. The city clerk calls the roll and upon roll call the resolution passes unanimously.

B. OLD BUSINESS

TREE PROTECTION AND PRESERVATION: An ordinance amending the Tree Protection and Preservation Ordinance to allow for a variance, reduction or alteration in the requirements of the Tree Preservation Ordinance. The ordinance was left on the second reading as amended at the May 15, 2000 meeting.

Alderman Jordan makes a motion to suspend the rules and go to the third and final reading. Alderman Davis seconds.

The mayor says we have a motion to suspend the rules and go to the third reading, shall it pass? The city clerk calls the roll and upon roll call the motion passes unanimously.

The city attorney then reads the ordinance for the third time.

The mayor asks for any comments or questions from the board. Any questions or comments from the public? Seeing none I'll bring it back to the City Council. What's the Council's wish?

Alderman Jordan responds I make a motion to approve the ordinance as presented. Alderman Davis seconds. The mayor asks we had motion and second to approve the ordinance, shall it pass? The city clerk calls the roll and upon roll call the ordinance passes with Aldermen Young and Zurcher voting no.

The mayor says thanks and we'll move along to the HMR tax.

HMR TAX: An ordinance amending § 35.20 of the Code of Fayetteville to add delis, drive-in restaurants, carry-out restaurants, concession stands, convenience stores, grocery store restaurants, caterers and similar businesses to the list of businesses collecting the city's HMR Tax. The ordinance was left on the first reading as amended at the May 15, 2001 meeting.

Alderman Jordan makes a motion to suspend the rules and go to the second reading. Alderman Santos seconds. The mayor says we have a motion and second to go the second reading. The city clerk calls the roll and upon roll call the motion passes unanimously.

The city attorney then reads the ordinance for the second time.

The mayor asked for any questions or comments from the Council.

Alderman Zurcher responds I guess, you know this has seen some discussion. I would rather not decide on this at this meeting. I think that if this Council is going to pass another tax on food, I hope we don't, but if we do is should at least get three readings. So I think we should leave this on the second reading tonight.

City Council Meeting Minutes
June 5, 2001
Page 8

The mayor says one question I have is how is this going to effect the concessions at the new 72,000 seat stadium and the 20,000 seat Walton Arena?

The city attorney responds by saying well argueably if the Council chooses to pass this broadening of this tax to cover concession stands as well as the restaurants like it now covers, with the Razorback football games with 70,000 and the Razorback basketball games there's 18, 19 or 20 of them. I think that that would be the largest different between the way the taxes are now and the way they will be in the future. I think that will be the biggest change in this ordinance will be the fact that I think the concession stands at the University of Arkansas Razorback games will be come underneath this tax. Mr. Maguire I don't know if you want to comment on that.

Mr. Maguire said Kit I agree with your assessment of it and I expect that that will be the biggest revenue producer from this change in the ordinance.

The mayor asks for any other questions or comments?

Alderman Zurcher said actually I just said I didn't want to take any action on this tonight. I want to try an amendment to this. And see if it floats at all. My amendment would strike delis, drive-in restaurants, carry-out restaurants, convenience stores, grocery store restaurants, and similar businesses and leave caterers and concession stands. I assume that would still leave the nonprofit, the charity stuff in there. So what this would do is add that other penny to caterers and concession stands.

Alderman Jordan says I'll second that.

The mayor states we have a motion and second to amended this ordinance. Does everybody fully understand the amendment.

Alderman Young says no. Lets make sure we know what were doing here. What are we striking?

Alderman Zurcher says basically with the definitions all remaining the same. We would strike everything except concession stands and caterers. That we are going to add this tax to concession stands and caterers.

Alderman Young asks are you striking prepared food or beverage? Any food or beverage product prepared food or beverage in a food or beverage establishment for sale.

Alderman Thiel says you really need to go over the ordinance rather than the definitions don't you. Because that's leaving in your carry-out restaurants. You're doing the definitions, explain.

Alderman Zurcher says I would leave the definitions the same.

Alderman Thiel says well why don't you just. Okay. Alright. So read it again. Proceeds received by

what?

Alderman Zurcher replies concession stands.

Alderman Thiel, okay.

Alderman Zurcher and caterers.

Alderman Santos says that doesn't get the take-out pizza and the drive-thru milkshakes.

Alderman Zurcher says what it does get is

Alderman Santos interrupts to ask why should they be exempted when the other isn't?

Alderman Zurcher responds by saying well, let's think about who this tax is going to tax. Concession stands will get the people who are going to games. They are not all tourist definitely but a lot of them are. And caterers are getting people who can afford to cater. Which is not, I don't think is not the typical middle-class or lower-class individual.

Alderman Santos says but still some pizza should be taxed and others shouldn't.

Alderman Zurcher says well if you want to go back and

Alderman Santos interrupts to say we've been doing this for a year now.

Alderman Zurcher says well I know.

Alderman Jordan says why don't we just vote on this amendment real quick.

The mayor says we have a motion and second to approve an amendment on this ordinance.

Alderman Zurcher interrupts to say can I just-basically just to clarify Kevin, yes I would say that a restaurant that has seats for six or more people would charge the tax still. And a restaurant that doesn't have or where ever you are getting food that doesn't have that many seats wouldn't charge the tax. I mean that's what the law says.

Alderman Thiel says I think you're going to have to be careful about amending this right here. Well maybe not, maybe our city attorney can. So you're leaving in restaurants, cafes, cafeterias.

Alderman Young says no. He's taking out-the motion was to take out everything except

Alderman Thiel interrupts to say I know, but you don't what

City Council Meeting Minutes
June 5, 2001
Page 10

Alderman Young continues concession stands and caterers. That means he eliminated restaurants and cafes and cafeterias.

The city attorney shouts no he cannot do that. That would be illegal since we have pledge revenue to purchase projects with the current tax. The only thing that is before the City Council is not the restaurants, hotels or cafeterias.

Alderman Young says no its before us. It's in this ordinance.

Alderman Zurcher says well the stuff we're adding.

The city attorney says the only thing that it is before the Council is whether to add businesses to it. Not whether you can take restaurants off it. That's is not the issue before us. The only issue before the Council is adding other businesses.

Alderman Thiel says right.

Alderman Young asks then why did you have restaurants in there? It says were adding restaurants.

The city attorney says if you'll look at that under the whereas clause is says that we are currently taxing restaurants, cafes, cafeterias and other establishments. It doesn't says that we are going to add them. It is just saying that is what we're doing now, Cyrus. It is-this ordinance would add other food preparation establishments to that list.

Alderman Young says that's not what this ordinance is saying. This ordinance is-you've got restaurants in there and if his motion passes then you've taken out restaurants whether it's legal or not.

Alderman Zurcher says what I'm talking about is where it says add. What we're going to add which is delis, drive-in restaurants, carry-out restaurants.

Alderman Young says you're looking at the agenda. I'm looking at the ordinance.

Alderman Davis says you're basically coming into the second paragraph and here's where you're deleting items where it says Whereas the City wishes to apply the HMR tax to delis which is what he is asking to be deleted, drive-in restaurants, carry-out restaurants, concession stands which he wants to have included, that's the paragraph that he is talking about with the additions or deletions.

Alderman Young says whereas ain't where the courts start reading.

Alderman Jordan says the concessions too?

The mayor says I would think that if the motion passes to amendment this to just add caterers and

City Council Meeting Minutes

June 5, 2001

Page 11

The city attorney interrupts to say Cyrus the way I'm interrupting he's motion to amend since he can't remove the restaurants and cafeterias out of Section 1. that the restaurants, cafes, cafeterias must remain as is. They cannot remove them out.

Alderman Young said I'd much rather see a motion and know what which one of things we're striking out.

Alderman Zurcher asks is there not a way that would leave, the people who already collecting this tax, the businesses that are. Let that alone. But the ones that we are talking about adding instead of adding all these other things all we would be adding is concession stands and caterers.

Alderman Jordan says that's right.

Alderman Zurcher says that seems pretty simply to me.

Alderman Reynolds says why are we're dealing with this? Why don't we leave it like it was. Because why we're doing this is to make this thing fair across the board to everyone of the customers.

Alderman Zurcher says that's why some people say that we are doing it. But I don't believe that.

Alderman Reynold says you can't get back to like it was.

Alderman Zurcher says I don't believe that. I don't agree with that, that this is fair across the board to all customer. And to me this would be a lot more fair just to charge it to concession stands and caterers. These aren't people who are buying dinner for their families. These are people who are getting a hot dog at a football game or basketball game and people who are catering events. It's much different.

Alderman Reynolds says so if you buy a pizza from a place on the square or on Leverett Street, one pizza place pays the taxes and other one doesn't on Leverett Street.

Alderman Zurcher says right the customer's are paying the taxes though.

Alderman Reynolds says why should one pay it and other one not pay it?

Alderman Jordan says I agree with that.

Alderman Zurcher says yeah.

Alderman Jordan I think we ought to take the restaurant tax off it all together.

Alderman Zurcher says and I'm not going to disagree with you that it's not fair to tax food. Because I don't think it is fair to tax food. But they way to make it more fair isn't to tax more food.

City Council Meeting Minutes

June 5, 2001

Page 12

The mayor says what I'd like to do is go ahead call in the vote for the amendment so we can go ahead and get this argument out of the way and get this going.

The city attorney interrupts to says but let's make it clear, I think Cyrus has a good point. From-for the actual motion under Section 1, you are moving to strike out following cafeterias, delis, drive-in restaurants, carry-out restaurants, convenient stores, grocery stores restaurants, and similar businesses as may be defined from time to time by ordinance. Is that what you are wishing to strike?

Alderman Young says similar businesses. Okay right so that's what we are striking out.

The city attorney says that is the motion. The way I understand it. Is that right Alderman Zurcher?

Alderman Zurcher says right.

The mayor asks Mr. Jordan is this still square with what you have seconded.

Alderman Jordan says it sounds good to me.

Alderman Young says is there any public discussion to see what the public might think about this.

The mayor asks is there is anyone who would like to speak to this issue before this amendment is voted on.

Alderman Thiel says do we have a motion to second yet?

The city attorney says yes for the motion the amendment.

The mayor says yes, Lioneld seconded it.

Ms. Johnson says I thought perhaps I could sit on the back row tonight. The A&P Commission started this process last September in looking at the fairness of the tax issue and I hope that you consider that tonight. Those people who form the majority on the commission are those people who collect the tax and their issue is simply a matter of fairness. If you buy a cake at one place it ought to be taxed the same as a cake at another place. Based on cakes. If it's a pizza at one place, it ought to be the same tax to whomever is buying as a pizza at another place. If you buy a drink at one place, it ought to be the same thing as a drink at another place. This is the fourth time that I've been before this commission or this Council. I went to the Ordinance Review Commission three times. I think all the issues have been laid out on the table and I think that the final compromises that we made regarding the issues with the city accounting department that collects the tax, including a definition of the concession stands and the delis. I think those are all positive changes. I don't think this is a positive change for the tax or for those people who are presently collecting tax nor for those who are not collecting. As Kit pointed out to you, it is clear that this tax no what you do to it will remain in perpetuity as long as we have bonds

City Council Meeting Minutes

June 5, 2001

Page 13

that are issued. Because any time that this tax is pledged it cannot be repealed. So the tax continues as we have it and hopefully we can make this fair to all those entities that are involved in this taxing issues. Do you have any questions?

Alderman Zurcher says I guess my only questions is-I guess it's sort of related with the amendment but what is being done right now. I remember we passed an ordinance to help collect the A&P tax from businesses who are already collecting it from their customers and not paying it to the city? What's being done with those deadbeat businesses?

Ms. Johnson says Randy I can't answer that question because I don't collect the tax. That's an issue that needs to be addressed to the city accounting department because they collect the tax. And about the only thing that I see on that is a report once a month.

Alderman Zurcher says so you don't know what they are doing?

Ms. Johnson says I certainly don't.

Alderman Zurcher asks who is the chair of A&P Commission?

Ms. Johnson replies Joe Finnell.

Alderman Zurcher asks has the A&P Commission been working with the city in trying to get these.

Ms. Johnson says that's not our job. We hire the city to collect the tax. We pay the city about \$30,000 a year to take care of all that process. And quite frankly, any suggestions that we make are taken into account in the accounting department but we don't keep a day to day tab on the things that they do.

Alderman Zurcher says okay. So who would I ask about that.

The mayor says probably Steve Davis would be my bet but he is out of town til Thursday.

Ms. Johnson says Emma Badgely is the one who is in charge of the whole HMR, in that collect procedure so I think she would probably be the best source to have.

Alderman Thiel interrupts asking who?

Ms. Johnson continues Emma Badgely.

They mayor asks for any other questions or comments from the Council on this?

Alderman Young says well one of the reasons I was in particular worried what was being taken out and left in is so I would know. Because when he first made the motion it sounded alright but going through

City Council Meeting Minutes

June 5, 2001

Page 14

Alderman Young says well one of the reasons I was in particular worried what was being taken out and left in is so I would know. Because when he first made the motion it sounded alright but going through here now it says grocery stores and restaurants. And so we wouldn't be taxing those but we would be taxing other restaurants. So that comes down to a fairness issue there for me. So I was going to vote for this but-for the amendment but because of that I won't.

Alderman Davis says I think we have a motion to call for a vote by Mr. Trumbo here a while ago.

The mayor says alright. Is there any other comments in the public about this? Shall the amendment pass? The city clerk calls the roll and upon roll call the amendment fails with Aldermen Zurcher and Jordan voting yes.

The mayor says so we're back talking about the HMR tax. Where were we a minute ago?

Alderman Santos says Randy had asked to leave it on the second reading.

The mayor says I'm sorry.

Alderman Davis says I'm not sure why we're going to leave it on the second reading. It's been publicize in the paper numerous times. I haven't had any phone calls who told me not to vote for this tonight or to table it. So I don't see any reason why we shouldn't go ahead and read it for the third time tonight.

The mayor asks we you making that in a form of a motion? Alderman makes the motion and Alderman Reynolds seconded the motion. The mayor states we have motion and second forward this to the third and final reading. Shall this pass? The city clerk calls the roll and upon roll call the motion passes with Aldermen Zurcher and Jordan voting no.

The city attorney then reads the ordinance for the third and final time.

Alderman Zurcher states let me just say that if this Council chooses to pass this tonight I don't believe it's an issue of fairness at all. I haven't heard any business come in and say that they've lost business because they're having to charge this tax and the other people aren't. What I believe this is, is an attempt by the A&P Commission to get more because they basically spent all the money on the Town Center and they need more. And I'm not against advertising and promoting the city. I think there's a certain amount of that we need to do. Taxing food is not the way to do it. So I will be voting against this.

Alderman Santos said I just want to say one more time, that I don't see it as taxing food. You're not taxing the groceries. You're taxing the service. You're hiring a servant to do your household chore of cooking for you and that's what you are paying the tax on. You're not forced to hire that servant to do that service for you. You can buy groceries and completely avoid this tax. It's a voluntary tax by

City Council Meeting Minutes

June 5, 2001

Page 15

people who want to enjoy the luxury of a servant preparing their meal.

Alderman Reynolds says the other thing is regardless of wanted that Town Center, its there. This administration is going to fund it, we're going to have to run it and we're going to have to have the money to operate it.

Alderman Young says I've had people from both sides tell me their opinion and I weighed it back and forth for quite awhile. And down at the end here I guess I'm going to vote for this. But if Randy, there's enough people on both sides that if Randy's ordinance to refer it to the people comes up I'll vote for that one also.

The mayor asks for any other questions or comments from the Council.

Alderman Jordan says I'm not going to vote for it either but I think I've said enough about this. But I would like one more little shot here as I go down like the Titanic. We talked about this being a fairness issue but I want to talk about the fairness to the taxpayers. The low income, the middle income, and the fixed income people. People who scratch out a living everyday by the sweat of their brow. The peoples whose heating costs has tripled and their gas pumps have doubled in the last year. And the elderly person whose medication is \$300 a month while their social security check is \$800. I'm not going to vote for this tax and that's that.

Alderman Trumbo says I'll make a motion to approve the ordinance as presented. Alderman Davis seconded.

Alderman Zurcher says I have one more question if you don't mind. Kit if this does pass we can still discuss a special election even if this council has passed it. We can still put it up for a vote if we want to.

The city attorney answers in fact Randy you have asked me to prepared an ordinance that would refer these ordinances if we pass them. And so, the ordinance that I prepared for you requesting a special election was in the event that these ordinances would be passed.

Alderman Zurcher says okay.

The mayor asks is there any comments from the public? He then recognizes Mr. Garcia.

My name is David Garcia. I live at 120 N. Block here in Fayetteville. I had not intended to speak tonight but something that Randy said really struck me which was you don't make an unfair food tax fairer by taxing more food. And Councilmen Santos with all due respect I would have to disagree with you about this being an issue of servants and privilege rather than an issue of food. I know that I worked for five years as a janitor at the university. I think I have some familiarity with working class folks as oppose to middle and upper income folks and I've worked factories here in Fayetteville. And

City Council Meeting Minutes

June 5, 2001

Page 16

again I think know something about working people. I don't know folks that have worked in factories who get a half hour for lunch and you know just run down to the convenient store to pick up a lunch and run back cause they don't have time to much else. There was one factory where we were working 12 and 14 hours a day so if somebody was a little too tired when they got home that night to prepare a lunch to bring the next day and had to run to the convenient store for their half hour lunch I would not accuse them excusing privilege in hiring a servant to prepare their food rather than doing it themselves. I think you're over looking from a position of privilege some the realities of what it is to be on a six, seven and eight dollar an hour wage. Whatever you say you are taxing the food that a lot of working people eat to promote the Town Center or tourism or whatever it is you want to promote with this tax. And that strikes me as grossly unfair. It's strikes me as blatant that the Council has voted 6-2 on this issue that just grieves me that there's that kind of - I don't think its anything bad. I'm not accusing people of anything bad. Its just I think more of little bit more unfamiliarity with the folks that are working this town for six, seven, eight dollars an hour and how they actually live their lives. A little more sensitivity towards that I guess.

The mayor says thank you Mr. Garcia.

Nan Lawler. You need my address?

They mayor says sure go ahead.

Ms. Lawler continues 68 S. Castrol, Fayetteville. I have one question. As of last time this was read there was an exception made for sliced meat and cheese in delis. They were not going to be subjected to that HMR tax. Is this still the case?

Alderman Davis says yes, ma'am.

Ms. Lawler continues in that case how do you justify that on the basis of fairness? Somebody prepared that meat.

Alderman Santos said I asked for that because if you buy it in an Oscar Meyer package you don't pay the tax. If you buy it sliced in the store you do pay the tax on it. Consider that to be a completely prepared food by a long shot. That's something that people-that's ingredients that people use in their kitchens to make meals with.

Ms. Lawler says okay let's go one step further. How about the prepared dinners that you buy in the freezing department? How about the cans of soup that all you need to do is heat up? What's the difference between that and the soup you might buy in the deli? I find it horrendous that a \$2.00 burrito is taxed but \$6.00 a pound meat is not going to be subject to this tax. This is outrageous. And I-if you want to be fair, be fair. Sliced meat and cheese is not basic grocery items. If want meat you go and buy a piece of meat and take home and you cook it. Otherwise you're paying someone else to be your servant and cook it and slice it. So that's what I'm saying. You keep saying that this is an issue of

City Council Meeting Minutes

June 5, 2001

Page 17

Alderman Thiel said that came from me because I had constituents that really were concerned about the coffee.

Ms. Lawler says well I'm really concerned about this sliced meat and cheese. I'm very very angry about it. You know if you're-if you're saying this is fairness then be fair. And incidently in terms of the stadium how many of those concession are going to be 5013C organizations? Are any of them?

The city attorney says we're not absolutely positive on that. But I don't think that they are going to be 501 3C organizations. A lot of times nonprofit groups run them. They are paid to do that by the commercial establishment that actually owns them. The way that this ordinance is draft just run by a 501 3C just being managed or staffed by a 501 3C organization doesn't exempt them. Not if they are being run for profit which I think that they are run for profit.

Ms. Lawler said I just wondered about that. But the sliced meat and cheese is grossly unfair.

The mayor says thank you Ms. Lawler.

Hi I'm Jeff Erf. 2711 Woodcliff Road. I have a quick comment. Randy mentioned something earlier about some of this new tax revenue that will be generated from expanding the tax-may or not go to the Town Center. I just wanted to remind you of Act 1073 that was passed by the last legislative session which will-which has eliminated the turnback funds for the Town Center. And according to Town Center financing table I have from 1998 that's \$180,000,000, \$180,000 a year. So we're going to need some more-the A&P Commission going to need more money. I say don't stop here. I say add another 1% to the hotels if that's possible and try to tax as much as you can so we can pay off this thing. Thank you very much.

The mayor says thank you and asks for any other questions or comments from the public? Seeing none I'll bring it back to the Council. Any other questions or comments from the Council. We're on-we have a motion and second to approve the

The city attorney interrupts and says just shall the ordinance pass.

The mayor says okay shall the ordinance pass? The city clerk calls the roll and upon roll call the ordinance passes with Aldermen Zurcher and Jordan voting no.

The mayor says we'll move along to No. 3 the Parks HMR tax, essentially the same thing.

PARKS HMR TAX: An ordinance amending § 35.31 of the Code of Fayetteville to add delis, drive-in restaurants, carry-out restaurants, concession stands, convenience stores, grocery store restaurants, caterers and similar businesses to the list of businesses collecting the city's HMR Tax. The ordinance was left on the first reading as amended at the May 15, 2001 meeting.

City Council Meeting Minutes

June 5, 2001

Page 18

Alderman Jordan says I make a motion to suspend the rules and go to the second reading. Alderman Davis seconded.

The mayor says we have a motion and second to suspend the rules. Shall the motion pass? The city clerk calls the roll and upon roll call the motion passes.

The city attorney reads the ordinance for the second time.

The mayor asks for any questions or comments on the Council?

Alderman Zurcher asks so what we just passed was one penny extra? Per dollar. And this one would be another penny per dollar? On these extra items I mean. So it would be two cents instead of one cent if we passed this other one too.

The city attorney says this is related to the Parks HMR tax and the other one was to the A&P HMR tax.

Any questions or comment on this issue? Seeing none I'll bring it back to the Council.

Alderman Santos says I'll move to suspend the rules and go to the third and final reading. Alderman Reynolds seconded.

The mayor states we have a motion and second to suspend the rules. Shall the motion pass? The city clerk calls the roll and upon roll call the motion passes with Aldermen Zurcher and Jordan voting no.

The city attorney reads the ordinance for the third and final time.

Alderman Trumbo says I'll make a motion to approve the ordinance as presented. Alderman Santos seconded.

The mayor states we have motion and second to approve the ordinance. Is there any further comment from the public?

I'm Nan Lawler. I love the parks but again I say you people are so stupid not to realize that sliced meats and cheese doesn't just leap from the animal without any help. That's all.

The mayor says thank you and asks for any other comments from the City Council? Shall the ordinance pass? The city clerk calls the roll and upon roll call the ordinance passes with Aldermen Zurcher and Jordan voting no.

The mayor says thank you. Now we'll go to No. 4.

City Council Meeting Minutes

June 5, 2001

Page 19

The mayor says thank you. Now we'll go to No. 4.

SPECIAL ELECTION: An ordinance calling and setting a date for a special election for the adoption or rejection of ordinances enlarging the definition of what type of business and what type of gross receipts or proceeds would be subject to the Hotel, Motel, and Restaurant Tax and the Parks Hotel, Motel, and Restaurant Tax. The ordinance was tabled at the May 15, 2001 meeting.

Alderman Zurcher asks do we need a motion to pull that off the table?

Alderman Davis says I make a motion that we table this indefinitely.

The city attorney says okay. Before-just one second. You don't need to vote it off the table at this point. It was postponed definitely to this meeting and therefore it is before us at this point in time.

Alderman Young asks is it ready to be read for the first time?

The city attorney says it has not been read.

Alderman Young says it's read, right?

The city attorney says pardon.

Alderman Young says it's ready to read.

The city attorney says yes it's off the table and ready to read at this point in time.

Alderman Davis then moves to table it indefinitely. Alderman Santos seconded.

The mayor states we have a motion and second to table this item indefinitely.

Alderman Zurcher says can we discuss that?

The mayor says yeah, we're going to right now.

Alderman Zurcher says I thought that was going up for immediate call. What's your reasoning on tabling this indefinitely. You're wanting just to flush it right? So we never have to talk about it.

Alderman Davis says Randy the way, I'm looking right now and the votes so far have been 6-2. Cyrus has indicated that he will go 5-3. We have enough votes and by doing this we'll find out if we need to go any further.

Alderman Zurcher asks why would hurt to talk about it and vote on it? Instead of just tabling it.

Alderman Davis says we can talk about now then we'll have to vote on tabling it.

Alderman Zurcher says why table it? Why not just pull it out here and talk about it and vote on it.

Alderman Davis says let's go ahead and talk about it now but there's been a first and second.

The city attorney says you can debate this. This motion is debatable. What this motion would do is mean that I would not have to go ahead and read this three or four page ordinance. You could still talk about it and then you could vote on his motion. If the motion fails then I will read the ordinance and if the motion passes then I will not read the motion.

Alderman Davis says well okay.

Alderman Zurcher says I guess my main point tonight would be things have changed a little bit since the first time we talked about a special election and all the talk was about oh one time \$10,000 and one time \$15,000 and one time \$20,000, how much it would cost to have a special election. Our Third District Representative, Asa Hutchinson, it looks like is going to the head of the DEA. And what that means we are going to have a special election this year. So the only cost of this election would be the ink to print it on the ballot that are going to be already printed.

The city attorney says I should call your intention to the fact that there is specific time period in which a special election has to be called after an ordinance is past calling for the special election.

Alderman Zurcher asks what would that be?

The city attorney responds I think it is thirty to ninety days. And the most recent thing that I've read in the paper is that it could be a significant period of time before Congressman Hutchinson would actually be approved and therefore when he would leave and office would be vacated, then the govern would call for a special election at that time. So that would be much further out than our window of opportunity on this.

Alderman Zurcher asks we couldn't set a specific date or we could say some time in the future it would have be within.

The city attorney says it has to be between thirty and ninety days from the date you all pass an ordinance setting a special election.

Alderman Zurcher says well that had a wrench in it.

Alderman Thiel says I'd like to say something about this. You know if there are enough citizens that are concerned about this issue, I checked on this and based on the—a citywide election referred by the citizens required signatures from 15% of people who voted in the last mayor's race. Based on 19,547

City Council Meeting Minutes

June 5, 2001

Page 21

in that election a petition would required 2,932 signatures. You know the citizens of Fayetteville if they really do want a special election called on this-I would feel more comfortable if we had a petition of that many signatures. That would be signifying that this election is worthwhile and that the public really want to speak about this issue. I'm opposed to special election because they are held between the holiday's, or this one would be. And a lot of people really do object to special elections during the holiday season. If you really do want a

Alderman Zurcher interrupts and asks holiday season? You mean during the summer.

Alderman Thiel says yeah, that's whatever people generally take their holidays. You know I think if you really want a consensus or some kind of a feel about how the public feels about this. I don't think a special election is really going to get you that. Possibly, I mean a poll would be better done through flyers put in the water bills or something like that. But I'm not suggesting us do that.

Alderman Zurcher says I bet not. I don't think you would want to see what the people would think if they were polled about another tax on food.

Alderman Thiel says well I really think that if there is enough concern, if there is 2900 concerned citizens out there about this, you know, they can call for a special election. That would really tell us that you know, I feel like we're elected officials and we were elected to represent the people and that's our responsibility. And this issue was something that we're asked to vote upon.

Alderman Zurcher says I'll defer to you on this and I'm going to do it with one parting shot. And that is the very Town Center that we are financing through tax more food was voted on in a special election in the summer.

Alderman Thiel says I'm not even sure but what the HMR tax weren't-were they not special elections? The parks and the-I'm not sure about that either. That does not mean that I particular-I do not support special elections.

Alderman Zurcher says the only reason I'm bring that up is I don't believe a majority of people would have voted for it if it had been a regular election.

Alderman Thiel says that

Alderman Santos asks how long before these ordinances take effect.

The city clerk states thirty days afer they are published.

The mayor says is it thirty or ninety days?

Alderman Santos says it would be thirty?

City Council Meeting Minutes

June 5, 2001

Page 22

The city attorney says yes, at this point. Later it on it becomes-we have to wait ninety days but that is not until August. At this point in time ordinances that are passed become effective 30 days after we pass them. You pass them.

Alderman Santos says well I'd say if there's 2,000 people out there who believe this is really a tax on food and not a tax on service, let them sign a petition and keep this on the table as Bob suggested and we can bring it back then if we see if there is

The city attorney interrupts to say 3,000.

Alderman Thiel says roughly 3,000.

Alderman Santos says I'd settle for 2,000.

Alderman Zurcher says I'd settle for a poll through the water bill and just really find out what the people think.

The mayor says so we have motion and second to table this indefinitely.

The city attorney says actually it should be interpreted-should be said postponed indefinitely is what the Arkansas Municipal League says.

The mayor asks if there is any other further comment from the public. Is there any other further comment from the Council. Shall the motion pass? The city clerk calls the roll and upon roll call the motion passes with Aldermen Young, Zurcher and Jordan voting no.

The mayor says thank you and we move to New Business.

C. NEW BUSINESS

IMPACT FEES: A resolution approving a contract with Duncan and Associates to conduct Phase 2 of the Development Impact Fee Study for water, wastewater treatment and collection, roads, and parks.

Alderman Santos says I want to make this motion.

The mayor says I'm sorry.

Alderman Santos says I want to make this motion.

The mayor says so move.

Alderman Santos says I move to pass the resolution. Alderman Jordan seconded.

City Council Meeting Minutes

June 5, 2001

Page 23

The mayor states we have a motion and a second to pass this resolution. Any other comments from the City Council.

Alderman Davis says well mayor the problem I have with impact fees I'll go back to what Lioneld's been talking about the poor and working class individual. By putting impact fees on these individuals whenever they get ready to buy a lot in a residential subdivision that cost is going to be past on to them. And it's person who is trying to possibly purchase their first home to where they can not finance it. Because right now what we saw on the impact fees you are looking at what approximately \$3,000 with what was presented to us last time. And I'm not sure that all these comparison that were used are in the same tax situations we are in the State of Arkansas. I'm not sure if all of them are allowed to have property taxes or sales taxes or what have you. I don't remember seeing any of that in that information that we provided to us. In fact I don't think believe it was there. And I would like for those people to tell us exactly what all the tax options on all those communities that were presented to us. What the ability for them to get fees what they are.

The mayor says so you basically what us to compare apples to apples.

Alderman Davis says absolutely.

The mayor says alright.

Alderman Zurcher and Thiel speak at the same time.

Alderman Zurcher say go ahead.

Alderman Thiel says excuse me. I think my response to that is that you know if this firm sees that we can fairly implement impact fees I think it will take a burden of cost off the citizens of Fayetteville who have already paid for example, their sewer treatment plant. They've already paid for their share. You know I think that any well planned growth in a community should basically pay for itself. I don't think it's too late. I think Fayetteville probably should have done this ten years ago and if Bentonville or Rogers, one of you refer they decided not to do this. I think they are definitely going to regret that because they are at the point now where impact fees on new construction could really offset some of the problems we've seen keeping up with our infrastructure simply because we did not have impact fees 10 years ago whenever our growth really started. So I think the idea of hiring this firm to go ahead and this does not mean that were not voting right now for impact fees. We are voting for this firm to do a study on the feasibility of the facilities that we did recommend to them. And you know, another thing, this initially was going to cost us we thought considerably more than this, about \$45-\$50,000 and its came in at less than that and I think right now would be a good time for us to go ahead and support this study.

Alderman Davis says Brenda I do have one question.

Alderman Thiel says then we can discuss the actual impact fees.

Alderman Davis says I appreciate your comments but I also have a question for you. I'm sure what your definition of a resident is. Someone who's been living in a rental dwelling for ten years. I still think they are a resident. If they decided now to go out and buy a home, if we do decide to pass impact fees, that impact fee is going to be passed on to them. Yet they've paid the sewer services and so forth for 10 years. They've also had access to streets for ten years. All the sudden when you say the word resident, they had been a resident.

Alderman Thiel says well maybe I should have made it clearer. A long term resident such as myself and a lot of other people that have lived here for 30, 50 years. We've already paid for a lot of these fees and its unjust that we-impact fees at this stage of game are not going to make up for you know how far behind we are with our infrastructure.

Alderman Davis says no they're not going to make up.

Alderman Thiel says no they're not but its going to-it can certainly help and that's what this study is going to tell us. You know I can't see why you would object to at least having the study. That's not-you know-we're not committing to anything yet.

Alderman Davis says I understand that. And I don't mind the study but I'm just kind of like Lioneld over here I wanted to let everybody know upfront that I'm totally opposed to this. Because I want the working citizen to have the opportunity to buy their first home or the long term resident that's been apartment dweller for 15-20, maybe even 35 years. I've had tenants of my own that are 45 and 50 years old finally have the opportunity to buy their first home. They've lived here all their life.

The mayor says sorry just a point of clarification. I know that the last meeting I think that someone stated that Bentonville had dropped their idea of an impact fee. From what I understand they haven't dropped it they are just waiting to see what we do.

Alderman Thiel says oh okay.

The mayor says from somebody that is deeply involved with that, that's the word I get. So other than that I don't know.

Alderman Davis says is that called tabled indefinitely.

Alderman Young says postponed.

Alderman Zurcher says what I was going to mention from what I understand and getting this study done will make it a lot clearer but from what I understand these impact fees won't-wouldn't necessarily applied to anybody trying to buy a home. Just somebody trying to home that requires new

City Council Meeting Minutes

June 5, 2001

Page 25

infrastructure.

Alderman Davis says it would be passed on Randy.

Alderman Zurcher says do what?

Alderman Davis says it would be passed on.

Alderman Zurcher says right, but what I'm saying is that it won't be passed from necessarily all new developments. Just the ones that are on the edge of town that require new infrastructure.

Alderman Santos says or you can have a sliding scale. You could

Alderman Zurcher interrupts to say I would like to see something that encourages-discourages refill development on the edge of town because it cost more for all of us. And encourages more infill brown fill development and no I'm not talking about cutting down all the trees downtown. But we have quite a few expansive parking lots that probably could be developed in ways would be both beneficial to all of us cheaper and that we don't have to build more infrastructure for it and financially feasible. And you know something that would make the developer quite a bit of money right downtown.

Alderman Davis says I understand what you are saying but anytime the home sales appraisers and landowners and homeowners look to see what the value is per square foot of those homes that have sold. So the ones on the outside are going to effect the ones on the interior in a round about way. The cost for those square foot can go up and will go up if they see that other areas are receiving more dollars because they are new development and they are getting impact fee. So yes, it will have a trickle down effect.

Alderman Zurcher says well I mean I guess in that way I would just you know we can't get in there and tinker with the market.

Alderman Davis says with impact fees you are doing that.

Alderman Zurcher says well impact fees are not doing it. They're keeping us from subsidizing roads and sewers for new developments. Which is what we are doing right now which is tinkering with the market.

Alderman Davis says and you are knocking out affordable housing or any potential for it.

Alderman Zurcher says I don't agree with that. I don't agree with that.

Alderman Santos says we're going to encourage it I hope.

The mayor says let's get down to one at a time speaking please.

Alderman Zurcher says I think I'm done. We just disagree and that's fine.

Alderman Santos says let me just go a little bit of different direction here. It's real obvious with our budget crisis in spite our incredible miraculous growth, we're still having this budget crisis which means it should be obvious that this growth isn't paying for itself. And we have some kind of socialist system in place where current residents are subsidizing the new development. I think another thing you can look at is that we're having a slow down in the growth and I think that might be sign that developers are a little bit afraid that we are not able to provide the infrastructure that they need to support their developments, and they are leery of developing in Fayetteville for that reason. And that ought to be reason enough to do it aside from just making it fair. If we're adding one dollar, one percent to the value of every home in Fayetteville to the property value to every home in Fayetteville, I don't see that being such a bad thing. I don't see raising the price one percent being such a bad thing. And I think especially if we can use a sliding scale to use it as a development tool which is what we should. Use the sliding scale to have-if you just do it by square foot you've got a sliding scale. If you do it by number of bedrooms you've got a sliding scale. The smaller more affordable houses are going to pay less of an impact fee. The mansions are going to pay an exorbitant impact. Well I don't have exorbitant we really want to get, I didn't mean to say that word.

Alderman Davis says the truth came out right.

Alderman Santos says well I don't know. How big a mansion you want to built.

Alderman Zurcher says I bet you could afford if you want to build one.

Alderman Santos says but if the real impact is \$3,000 we don't even have to charge \$3,000 per home. We could charge \$1,000 per home and that would help out a lot. So it seems like the obvious thing to do and it's being done successfully all over the country. All the arguments to the contrary have all been disproved countless times over the decades and I think we need to listen to these people and learn a little bit more about it. I happen to know more about it than most of you just because it's my profession as a planner that forced me to learn a lot. But I think listening to these consultants, that very good consultants, they're the best there are. And I think we all can learn a lot and we can see room a lot of things like encouraging affordable housing and encourages infill development. Any other kind of growth goals that we have we can use the impact fees to help enforce but we need to learn more about it.

Alderman Thiel says right. I think that's-I just want to emphasis that. That we are not voting on impact fees tonight and you know the scope of services here is they'll draft an impact fee study on facilities that we requested which was the wastewater collection treatment plant facilities, roads and parks. And they will do a local review meeting. They'll be meeting with local developers and representatives and stakeholders in this. Then there will be a final impact fee study presented and then there will be public

participation. So what- I think there will be ample opportunity through this process for the public to participate and for us to really found if this is something we can live with.

Alderman Davis says I understand and that's another problem I've got is that the local review meeting does not happen until Item No. 6 out of eight. And as you just mentioned that's going to possibly be developers it does not say public participation until Item No. 8 which the very last item. So by that point in time everything has pretty well been design and set up. So I have a problem with that.

Alderman Santos says well they've got to have something to present. I mean.

Alderman Davis says right but where's the public going to be involved except for the local review which I didn't hear the word public or John or Mary Public being a part of that at that point.

Alderman Thiel says I think developer representatives-go ahead.

Tim Conklin says I think were going state just what I was going to state. And that is after they do the draft impact fee study they will have a local review meeting. During that same day they intend to develop or staff will coordinate a stakeholder's advisory committee made up of local developers and other interested citizens in the community. That will be the first opportunity for public participation. There will also be an additional two meetings for public participation but I do think you have to have something to review before you have the public participation. So they'll do the draft study. I've talked to them on the phone about this to make sure that we do have the public participation. The stakeholder's advisory committee upfront when we start this process and they assured me that that's their intention. Is that once they did the draft study they'll have a local review meeting that we go ahead and do the stakeholder's advisory committee. I would like to remind the Council that on May 1st you directed staff to bring this contract to you. You did pass a resolution directing staff to negotiate with Duncan and Associates to bring a contract to you for roads, wastewater, water and the park land dedication. Staff has done that. The originally cost for Phase II was \$68,000. The new price of this contract is \$45,000. So they have reduced the amount of their contract for Phase II. You also asked that they not prepare any ordinances until after the final impact fee study is complete and the City Council makes a decision on what direction to go. I think it is important and Aldermen and Alderwoman have stated that this evening that you are not adopting impact fees this evening. You are approving a contract to do Phase II of the study. Just look at the how impact fees could be assessed and calculated. Keep in mind you do have to make decisions every two weeks with regard to how do you pay for infrastructure. An infrastructure that's needed to allow additional growth to occur in this community. It's an issue how you pay for that. Impact fees is one mechanism. Cities, municipalities around this country have used this method to fund infrastructure improvements to allow for additional growth. You have to identify your capital facilities that increase the additional capacity and then those fees have to be used to build that capacity into the system. So you're building capacity into your infrastructure system to allow additional growth to occur and that's important that we're not just collecting money. And we don't have any idea how it's going to be used. It's going to be used to fund that infrastructure to allow the City of Fayetteville to continue to grow. I just wanted to make that

City Council Meeting Minutes

June 5, 2001

Page 28

point. Thank you.

The mayor says thank you Tim. One thing that I want to bring up is something that has concerns me and this really is a tightrope walk that we're on and needs to be finely tuned. Because no matter which way we go on this there is going to be a lot of ramifications. A lot of them political. A lot of folks feel like that if we pass an impact fee that the development community is going to continue to head north and go into other areas that don't have impact fees. Also if we don't pass an impact fee a lot of people feel like they don't want to pass an additional sales tax to fund a new sewer treatment plant that they perceive as that which is needed to promote future growth. They feel that new development should pay its own way. To carry that step further, if we relied solely on impact fees to cover a new wastewater treatment plant then if you would just use a round number of 1,000 bucks per impact fee. That means we have to have about 6,000 new units per year being built to cover the cost of the sewer treatment plant. Is that-we have about 600 new, that's about \$6,000,000 a year isn't that.

Tim Conklin says it has varied. The permit activity from 400 to 1400, average about 400 to 500 units. I think the average is about 400 to 500 dwelling a year.

The mayor says okay, 400 to 500. If we're looking at three quarter percent sales tax that's going to bring roughly 6,000 bucks a year. Is that a fair round number?

John Maguire says I think it brings in about 770 a month.

The mayor says which is 9, so 2/3 of that, so between 6 and 7 million dollars a year. So for 6 or 7 million dollars a year we'd have to have 6 to 7 thousand new units per year being built. Which is there's no way we could ever sustain something like that. It's completely unrealistic. So this is a very complex issue that there's more to it than just pro or con impact fees. No matter which way you go on this argument there it cascades other issues. So this isn't something that we're going to decide tonight. I don't mind seeing this impact fee study done just to see where we stand in the world but whatever decision we make there are going to be ramifications long term down the road. So we better think long and hard about whether we pass it or whether we don't pass it. It doesn't much matter at this point. We've gotten-the discussion has started so we've got to make some hard decisions. Now then where were we.

Alderman Santos says shall the ordinance pass, or shall the resolution pass.

Alderman talking at the same time.

The mayor recognizes Mr. Ferrell. I see that you would like to say something here.

Good evening mayor, aldermen, alderwoman. My name is Bobby Ferrell, 2413 Twin Oaks Court, Fayetteville, Arkansas. Fayetteville resident, registered voter. Glad to be here. I got up and said a few words about this before when we talked about it initially on the impact fees. I want to be careful the

City Council Meeting Minutes

June 5, 2001

Page 29

way mention when I talk about consultants. Because I got schooled a little later after I said that later that night. I would just say I was very happy to hear Mr. Conklin a minute ago mention about the stakeholder's advisory committee because I'm just as, talked about it a moment ago, public input I think is essential in this. And we certainly want to see that from the development, from a builders community, because everybody, but I'm saying that's these people that's their livelihood. I really like to know, I'm assuming this is going to be done. To me it's the least desirable thing to do but at any rate I'd like to know what effect if we can get some historical data from these consultants, who I understand are the best in the country or some of the best, some historical and some background information about what has happened in similar communities where they have done studies about impact fees? Has it had an effect on the educational funding for that community? If you look at the communities and the educational process and the taxes that go to run that I think growth is very important. And last but not least, I would really like to know if they have ever went in and consulted and came back and recommended no they do not recommend impact fees. Thank you very much.

The mayor asks Tim can we put those questions in the contract some how. How do you go about that?

Tim responds I'm sure we'll get the answer to all those questions. I'll passed the those responses to the Council and Mr. Ferrell.

The mayor recognizes Mr. Erf and asks how you tonight.

I'll be brief. Jeff Erf, 2711 Woodcliff Road. I've got here a handout I believe you all saw or got a copy of it at the last agenda session and on page 4 of this handout, this is from Steve Davis and I think he gave a talk about the project financing situation for the city. I'm looking at a chart here, General Funds Revenue and Expenses. And in 2005 the project is that we'll have \$28,000,000 in expenses. And we'll have \$21,000,000 in revenue. I wasn't at the agenda session, is that pretty much about what he said about it. We're going to be

Alderman Thiel interrupts to say he presented different scenarios with different, whether we passed certain

Mr. Erf interrupts to say in any of those scenarios did the city have a surplus?

The mayor answers no. The best scenario is that we begin, we catch up where we need to be in and then we break even.

Mr. Erf says right now we're using up our reserves is that correct?

The mayor answers yes.

Mr. Erf says and it started out at what? \$10,000,000 and now we're just eating away at that.

City Council Meeting Minutes

June 5, 2001

Page 30

The mayor answers yes.

Mr. Erf. says I guess the point I'm trying to make is-I think that this is an opportunity to generate some revenue for the city by using impact fees. I think it would be worthwhile to at least consider that and adopt it. I think you're going to be asking Fayetteville voters to support \$150,000,000 sewage treatment plant and you have to remember they all ready have sewer access. So I think set by example and I think you need to you know do your part and get some money from the developer community and just don't keep asking the residence for it and to pay for everything. Thank you very much.

The mayor says hopefully it will be \$110,000,000 plan not 150,000,000 unless your information is different from mine.

Mr. Erf says I include how much actually dollars will be spent and that includes the debt service and interest and then of course,

The mayor says if we go with the 3/4 percent money from the state we may be able to get it for about 128 I think. And those numbers are changing. We'll get more than we're anticipating.

Mr. Erf says I haven't seen a public project yet that's come in under. So I'm making some assumptions that will be a little bit high than what the engineers are saying. Thank you.

The mayor says I hope you're not right but you may be. Any questions or comments on this issue. One thing I want to say real quick, Jeff you brought up the study that Steve Davis did on projected finances, I know there's a comment in the paper about looking like things might be a wage freeze for our city employees and budget included the standard increases in salaries that we've project for them as we have for last several years. And we need to do that because our city employees are underpaid compared to everybody else in the area. And really, we're having a hard time keeping our best and brightest because they get too many opportunities to go to higher wages outside the city. So we don't want folks to think that we're anticipating a wage freeze because our numbers is calculated in for the next several years.

Alderman Trumbo says I'll make a motion to approve the resolution.

Alderman Zurcher seconded.

The mayor says we have a motion and second to approve the resolution. Any other comment from the public. The city clerk says I already had a motion and second.

Alderman Trumbo says oh we did who did that?

The city clerk replies that Kevin Santos move to approve and Lioneld Jordan seconded.

Alderman Jordan says that right we did.

City Council Meeting Minutes

June 5, 2001

Page 31

The mayor saying a lot of folks at home can hear a lot of conversations going on. The mayor then goes on to the next item.

AD 01-1.00: An ordinance approving an amendment to Chapter 171 "Streets and Sidewalks", Section 171.13 "Width of Driveway Approaches" and Chapter 172 "Parking and Loading", Section 172.01 "Parking Lot Entrances" of the Unified Development Ordinance to change the width of a curb cut allowed for commercial driveways and provide for a minimum curb radius.

The city attorney then reads the ordinance for the first time.

The mayor asks for any questions or comments from the Council.

Alderman Zurcher says I guess I would just like to talk to Tim.

Tim Conklin says staff has recommended this amendment to the Planning Commission. The Planning Commission did vote 7-2 to-for this recommendation to the City Council. Approximately five years ago we did amend our driveway entrances into parking lots and did require a landscaped island anytime you had a left out and right out of the driveway so you had a three lane driveway. Since implementing that we've had many instances when cars and trucks have not been able negotiate the island that's in the driveway. I have had complaints from business owners having to replace landscaping many times destroying their irrigation systems and in result its costing business owners money having to replace the landscaping and irrigation. Staff is recommending that we remove the island and with a fifteen foot lane, inbound lane, and a twelve foot outbound lane. For one way and one way out. Twenty-seven feet total to face of curb to face of curb. For a three way drive with a left out, right out, same thing a fifteen foot inbound lane and a twelve foot bound for right and left for a total of 39 feet. Trucks are running over these islands, once again we're receiving lots of complaints. The Planning Commission is doing a tremendous job of limiting the number of curb cuts on our developments in Fayetteville and the result of that is many times we have the curb cut in the center of the project which requires many turning movements for trucks to get into the development or the trucks not being able to make a loop around the development and heads straight back out. Therefore the island are getting run over so it's a combination of things with regard to the design and limiting the curb cuts that we allow for development.

The mayor says thank you. Any other further questions for Tim. Comments?

Alderman Zurcher asks would this be-I'm just reading through the Planning Commission minutes and talks about smaller professional office building that don't usually need service trucks. Would this apply to that kind of development too?

Conklin states these are our guidelines for driveways into parking lots and also driveways into a single family home. They do apply. We will work with the development community. Right now we have this ordinance that requires them to put this island in. And right now we have developments that are not

City Council Meeting Minutes

June 5, 2001

Page 32

family home. They do apply. We will work with the development community. Right now we have this ordinance that requires them to put this island in. And right now we have developments that are not working where the trucks are actually destroying the landscaping. Cars are hitting the islands. Irrigation systems are being destroyed. Staff is recommending that we remove it. It's resulting in a loss of capacity on our roadways. Cars are having to slow down to a virtual stop to be able to navigate into parking lots and it's something that for access management and capacity of your roadways you want to make sure that you can get your vehicles off your roadways in an efficient manner. And staff has also recommended that we increase the curb radius for the driveways in order for cars to turn into these developments without hitting the curbs also. But we're trying to work with the highway department, talked with them about it and it meets their guidelines for curb cuts and they're in support of this also.

Alderman Thiel says can I ask something? May we have as far as the rest-I mean we've reduced the amount of curb cuts that we allow into commercial developments and into parking lots. Don't we also have a setback, a planted section that runs along the highway, between the highway and the parking lot?

Conklin responds most of our commercial developments are located on principal arterial streets that requires dedication of right of way at 55 feet from centerline. That allows for a 10 foot greenspace between the curb of the street to the 6 foot sidewalk. Then you also have the 6 foot sidewalk and then we also have a parking lot setback of approximately 15 feet so we do have a tremendous amount of landscaping that is being planned in front of our new developments. If you look at Walgreen's, that's probably one of the most recent examples of where when Nelm's was there you had pretty much asphalt almost up to College Avenue and Township. Now we do have the 10 foot greenspace, 6 foot multi-use trail sidewalk and the additional landscaping between sidewalk and parking lot.

Alderman Thiel says you know I think that-I think so many of us are use to the old way it looked and I think the Walgreen's is a really good example of how it can look and should look. You know to me I-just on looking at this first go around I don't have an objection to the wider entrance and not the island in the center. Because I think the rest of the 10 foot section that goes along right-of-way is going to be very attractive. I'd rather see something look good there and keep the curb cuts down like we were doing.

Alderman Zurcher says I guess I'd hate to lose that island. Is there a way to move it over. I'm just wondering if this is the only option we have.

Conklin responds I have looked at many developments to be honest with you I don't think probably the only you have. I think it will work most of the time amending the ordinance to allow it work this way. If you move your island far enough back into the property where the trucks can turn in you probably could leave the island but then the island is going to be far back into the property and instead of having a 27 foot curb cut or 39 foot curb cut you going to have a 48 or 50 foot curb cut out on your street with the island way back there. What's happening if you have a tracker/trailer rig and you're in that turn lane to turn right in there if you don't go out into the outer lane, it's a four lane road, you're going to run over the island if it's up close to the street. That's what's happening right now and our landscape is being destroyed.

City Council Meeting Minutes

June 5, 2001

Page 33

Alderman Zurcher asks is it completely ridiculous or just unheard of to only have one lane going out to move that island over to where there would be one outgoing lane.

Conklin says we have required that in the past with regard to the bank on Joyce Boulevard. One way in and one way out. They would still be able to have a similar type access into their property-development. The Planning Commission approved it that way. I don't look at this ordinance as limiting developers who want have a boulevard type design entrance but if they do we need to make sure that trucks and cars can get in there efficiently without backing traffic up on our principal arterial streets and running over the landscaping. Its very difficult for me when I receive those phone calls and I go out there and something that the city required to see it run over with trucks and cars. The developers and business owners aren't very pleased.

The mayor asks for any other questions or comments? Any questions or comments from the public on this issue? Seeing none I bring it back to the Council.

Alderman Trumbo says I make a motion to suspend the rules and go to the second reading.

Alderman Davis second.

The mayor states we have a motion and second to suspend the rules and go to the second reading on this. Shall the motion pass? The city clerk calls the roll and upon roll call the motion passes unanimously.

The city attorney then reads the ordinance for the second time.

The mayor asks for any further comment from the City Council.

Alderman Santos says I think this looks like the case where a well intentioned ordinance didn't work out and we found a solution to try to make it work better and if this doesn't work we can change it again later. So I'll move to suspend the rules and go to the third and final reading.

Alderman Jordan seconded.

Alderman Davis says I agree.

The mayor states we have motion and second to suspend the rules and go to the third reading. The city clerk calls the roll and upon roll call the motion passes unanimously.

The city attorney then reads the ordinance for third and final time.

The mayor ask for any other comments from the Council? Shall the ordinance pass? The city clerk calls the roll and upon roll call the ordinance passes unanimously.

The mayor says thank you and we'll go to No. 3 Roll-off truck.

ROLL-OFF TRUCK: An ordinance approving a bid waiver for the purchase of a used diesel powered roll-off truck to be utilized by the Fayetteville Solid Waste Division.

The city attorney reads the ordinance for the first time.

Alderman Jordan says I make a motion that we accept the ordinance as read.

The city attorney says you need to suspend the rules.

Alderman Jordan replies okay well let's just suspend the rules then.

Alderman Santos seconded.

The mayor states we have a motion and second to suspend the rules. The city clerk asks who seconded. The mayor replies Alderman Santos, I believe. The city clerk then calls the roll and upon the roll call the motion passes unanimously.

The city attorney then reads the ordinance for second time.

Alderman Jordan says I make a motion that we go to the third and final reading.

Alderman Santos second.

The mayor says we have a motion and second to suspend the rules. The city clerk calls the roll and upon roll call the motion passes unanimously.

The city attorney reads the ordinance for the third and final time.

The mayor then asks for any other questions or comments from the council?

Alderman Reynolds says this item was highly recommended from the Equipment Committee.

Alderman Jordan says yes.

Alderman Davis says I also see where the new Utilities Service Director, Gary Dumas has requested this. So I will vote for it.

The mayor asks for any questions or comments from the public? Seeing none I'll bring it back to the Council. Shall the ordinance pass. The city clerk calls the roll and upon roll call the ordinance passes unanimously.

The city attorney says we need a separate vote on the emergency clause.

The mayor says yes, the emergency clause. I entertain motion to accept the emergency clause.

Alderman Jordan says so moved.

Alderman Santos seconded.

The mayor states we have a motion and second to accept the emergency clause. Shall it pass? The city clerk calls the roll and upon roll call the emergency clause passes unanimously.

The mayor says we'll move along to the last item on the agenda.

HENDRICKS SEWER SERVICE: Consideration of a request to provide sewer service outside of the City Limits.

The mayor says we have, who's here. Mr. Bunn would you like to describe to us the situation?

Mr. Bunn states this is a request for-to provide sewer service outside the city limits. I think the memo and also Mr. Hendricks' letter explains the situation. It is a Council prerogative to grant taps outside the city. In this particular instance the promise of taps was made by a developer who acquired easements across Mr. Hendricks' property. The city was not a party to that agreement and we were not aware that that agreement had been made. Mr. Hendricks has to separate sewer lines across his property. One was put in some years ago. I believe in the-perhaps in the mid '70's. The other sewer was put in just recently. And Mr. Hendricks is requesting to be allowed to have two sewer taps without annexing into the city. If you have any questions I'd be glad to answer them.

The mayor says You might reiterate what the city policy is in a situation like this.

Mr. Bunn says in past the Council has been reluctant to grant sewer taps outside the city limits. They would prefer when it is possible, for the property to annex and then the sewer taps can be had by right. This property is adjacent to city limits and could be annexed by petition.

The mayor says Mr. Hendricks I presume. Would you like to address us on this issue.

Mr. Hendricks says we let the sewer lines go through our property. We thought we were trying to help the City of Fayetteville of course. Approximately 1000 feet of sewer line going through our property with this new sewer line. And I think there is six manholes going through our property. And we've tried to do everything we can to help this project to bring revenue in for the City of Fayetteville and one sewer line happens to be three feet from my house. And 60 feet approximately from my grandson's house. And we just want to tap on to it. If the City of Fayetteville decides to annex us into the city we're not going to fight it.

City Council Meeting Minutes

June 5, 2001

Page 36

The mayor asks would you be interested in annexation.

Mr. Hendricks answer I'd prefer not to because my wife and I are also 70 years old and we're trying to raise our two granddaughters. We lost our daughter two years ago and we're trying to raise our two granddaughter and put them through school. And we've just got all we can handle actually. And that's why we are trying to stay out of the city limits and stay away from as many taxes as we can. My grandson might be willing to annex. He has about an acre and half and he may go into it

The mayor says enlighten me here. If Mr. Hendricks were to join the city through annexation, I know we collect 1 mil property tax. Half mil for police and half mil for fire pension. What other taxes would be involved if they were to be annexed in.

Alderman Trumbo responds you've got the one mil for the Senior Center.

They mayor says yes, that's temporary.

Alderman Thiels asks we have three mils going right now don't we?

The mayor responds that one is permanent and other two are temporary aren't they.

The city attorney says actually the police and fire are .8 mils at this point in time. Since they had to be rolled back.

The mayor says oh that's right.

The city attorney says the Senior Citizen Center is that just a single mil or is that single mil?

Aldermen talking at the same time, not sure what they are saying.

The city attorney finally says so basically the millage that the city is now charging is 2.8 mils and one of those is a millage that will go off in about year or even less.

Alderman Thiel asks what a mil is what \$20 per hundred thousand dollars worth of property. Isn't that how much a mil is? So

Alderman Jordan says \$60.

The city attorney says there might be some savings on you're insurance to because if you were inside the city you would be entitled to fire protection for free. You wouldn't have to pay any contract for that and often times that will reduce. Your insurance policy costs more than whatever the millage would be for the city.

City Council Meeting Minutes

June 5, 2001

Page 37

Alderman Thiel says that's true.

Alderman Jordan says so basically Mr. Hendricks you would be getting taps for \$60 a year investment.

The mayor says and lower insurance rate.

Alderman Jordan says and lower fire insurance .

Alderman Zurcher says is there an application fee for somebody requesting an annexation?

Tim Conklin says \$325.

Alderman Jordan asks how much?

Conklin and mayor respond \$325.

The city attorney says however if you look at Mr. Bunn's memo and letter from Mr. Hendricks this fee could very well be paid by the developer if the developer promised him taps and it's required for him to be annexed, I would think that the developer would be happy to pay the annexation fee.

Alderman Young says plus the tap fee if there is one.

Mr. Hendricks says the developer promised us for the sewer line, he promised for sewer taps but not for annexations. That would be our problem if we hooked on to the sewer lines. The taps were in the agreement when the contract was put in for sewer taps for both places.

The city attorney asks so you're thinking he's already done everything he said he was going to do then is that what you're saying.

Mr. Hendricks says right. I thought was this that we were allowed all this to go through our property and quite frankly they tore property quite a bit but of course they are going to fix everything up. I understand that but we've put a sewer line property, six manholes and we're trying to do want we could to do our part for the sewer line. It would bring a lot more revenue for Fayetteville. They are going to put in like 50 or 60 more new homes there. We were just hoping that we could hook on to sewer line.

Alderman Santos says I don't know who to ask this question to. Mr. Williams is it possible that we could waive the application fees since this isn't something that is going to be take a lot of staff time or its going to require a lot of meeting. This isn't like a large annexation for a subdivision. This is just one couple. I think that we ought to be able to waive the on something that's insignificant as this.

Alderman Jordan says I'd like to make a comment here if I may. I think these people have been told something and somebody has lied to them. I mean they've been promised something and they're not

getting it and I don't think it's right. I know-well when you tell somebody something you should say what you mean. But I think we need to work with them and try to work something out for them.

Mr. Hendricks said also I like to point out that the drainage system from that complex is coming through our property also which is a 12ft pipe coming through our property. We just did everything we can to accommodate this and the City of Fayetteville and all we were just asking for is just a tap on.

Alderman Jordan said he's allowed the developers to go across his property and he didn't get any money out of the easement. Allowed the development to go in and I think the city benefitted from that development in sewer bills. So I would like to see. If you look at it realistically I don't think-the city-Farmington pay taxes here? They're hooked on to our sewer line aren't they.

Several people says they pay high fees for that.

Alderman Jordan says a high user fee.

Mr. Hendricks says we already have Fayetteville city water on our property.

Alderman Jordan says but I'm saying if Mr. Hendricks is willing to annex into the city for \$60, we ought to work on the \$325 ourselves.

Alderman Thiel says I agree. If he is willing to annex in.

Alderman Jordan says I think-he's not trying to milk anybody here or anything like that.

Mr. Hendricks said we were just trying to help the developer and in turn help the City of Fayetteville and all we were asking for was a sewer tap. We're tired of using a Johnny on the Spot.

Alderman Jordan says somewhere down the line somebody has basically made promises to him that they could not keep. I don't think its right.

The mayor recognizes Mr. Reynolds.

Alderman Reynolds says we've got people on South City Lake Road. We've got people south Morningside Drive. We've got people on Willoughby Road. We've got people on Wilson Hollow Road that don't have sewer that built their house in this city.

The mayor says and Happy Hollow Road too.

Alderman Reynolds says that built their home in the city and still don't have it. And there's two people here who don't have it, there's two of them. So if he wants to bring his property into the city I'd be glad to support the gentleman. But if not, I will not support it.

City Council Meeting Minutes

June 5, 2001

Page 39

The mayor says Mr. Hendricks, I'm sorry. Alderman Jordan says I'm sorry.

Alderman Jordan says Tim can I ask you question or Don, is there any other people that have-outside the city limits that they hooked up onto the sewer line that you know of?

Mr. Bunn responds yes, I couldn't be specific but we do have people outside the city limits who are tied on. I can't really tell you how many but that's. I guess about 1985 or maybe before all those services that were granted outside the city was approved by the Council. Before that time the city engineer could approve taps outside the city. So there are some.

Alderman Young says most of those-when the city put a sewer main through there.

Mr. Bunn says most of them were situations where the city needed to have the line in place outside the city limits for instance to go to the eastside plant and the taps were either granted in exchange for easements or they were granted at a later time because the line went across their property.

Alderman Young says those are the ones I remember.

Alderman Zurcher says this to me looks like the same kind of situation.

Alderman Young says except that the developer did all this and not the city.

Alderman Davis says yeah but I'm still back to the

Alderman Young says right.

Alderman Santos says Don let's go back to, Tim while you there, I'm sure both of you know. The \$325 fee would be the same if I were to annex 100 acres or 300 acres.

Tim Conklin says yes, that's correct. It's going to cost Mr. Hendricks more than \$325, enough if we waive the fee probably. They have to develop or write a petition, an order of annexation to be file over at the county judges office. They have to do notification in the newspaper. There is a thirty day wait. Then they do a confirmation of order of annexation. Typically attorneys handle that. It's something that's done by an attorney and filed over at the county and notification is done and the county judge signs off on it and then it comes to the City of Fayetteville, planning division for processing.

Alderman Thiel says well I have a question. What if the city wants to annex a piece of property?

Tim Conklin says My understanding is there is three methods. The petition method which typically we see here at the city. They are contiguous with the city limits and voluntarily petition to be annexed into us. I'm not sure on one piece property Kit whether or not the Council can do it without an election. If you do it without the petition method the city can hold an election the voters can vote on it or if its

City Council Meeting Minutes

June 5, 2001

Page 40

an island, city limits are completely surrounding the area, I believe you can do it my ordinance method and the City Council can just pass an ordinance and bring them into the city. In this situation he's not completely surrounded by the city limits. However, on Monday I did receive a development proposal for 14 more acres located along his western boundary line that will be coming forth to the City Council for annexation.

Alderman Thiel asks then he will be surrounded?

Conklin says on two sides.

Alderman Young says part of the questions though is-is part of the petition process he has to go to the county. He does need to go to the county first.

Conklin responds he does need to go to the county. It is something that I would say the average citizen doesn't do on their own. They end up hiring an attorney to do the paperwork to file it over there and put all the legalese in the petition, to get the right language in there and filed over with the county judge and do the notification.

Alderman Young asks if there's some reason why a developer can't do that for him?

Alderman Santos says with the new annexation that's coming forward. Can you just go ahead write his property into it?

Alderman Jordan says add him into it?

The city attorney interrupts to say the property was specifically identified to the county judge on this new annexation. And the county judge signed off on that property which did not include this property so you can just add this one on to it.

Conklin says they are using their own professional attorneys to do that. I'm not sure, Kit, can you think of any other method that he could use to annex into the city. I can't think of any.

The city attorney says of course I haven't studied this issue and I can look at it and try to get back to you all. But at this point the only thing that I'm aware of is what Tim has said.

Alderman Young says so back to the questions is there some reason why the developer can't do all that for him.

Conklin responds if he can get the developer to do it for him. The city planning division we aren't usually concerned who's paying for what as long as we have the proper signatures and information, we'll process it.

City Council Meeting Minutes

June 5, 2001

Page 41

we'll process it.

Alderman Reynolds says those promises he had from the developer was that in contract or verbal.

Conklin says I've not.

Mr. Hendricks responds (no mic-can't hear what is being said)

Alderman Reynolds you've got it written.

Mr. Hendricks says I've got a contract.

Alderman Zurcher asks have you approached the developer about this? Ask him.

Mr. Hendrick says I don't have a contract for both the sewer lines. I have a contract a sewer tap.

Alderman Zurcher says so he's saying he'd provide you the actual taps.

Alderman Young said yeah but some lawyer start talking about how it was implied you'd be able to hook on.

Alderman Zurcher says right.

The city attorney says there are two separate resolutions. One to approve and one to deny.

Alderman Santos says well is there any way-I mean I just hate to see Mr. Hendricks have to pay the same kind of fees and not just the city fees but lawyer fees and everything that a developer of a giant project would have to pay to be annexed into the city. And can we look at a way to help him? See if we can waive the city fees? See if maybe city attorney could help in writing a petition for him and him not have to hire an attorney. Is there any way we can help bring him into the city at less costs?

Alderman Thiel asks what do you say city attorney.

The city attorney then responds I would not be in favor trying represent an individual like that. You certainly can-I guess Tim have we waived annexation fees in the past?

Conklin responds not to my knowledge.

Alderman Young we've waived some fees that I remember.

Conklin says well, I think this issue is going to come up at one of your future meetings. We did waive fees for the aboveground fuel tank at Drake Field. A \$900 large scale development fee because all

City Council Meeting Minutes

June 5, 2001

Page 42

aboveground fuel tanks were large scale. That was waived. Jerry Rose I think he past an ordinance waiving that fee last November or December. That's the most recently one where we waived the fee.

Alderman Trumbo says I think this is obviously a unique situation. I make a motion to approve the taps without having to make him petition to be annexed.

Alderman Jordan seconded.

Alderman Zurcher says I'll definitely agree with that although I didn't get the second. I would like to say I think we're in agreement that this man has been treated unfairly. It's ridiculous to have a city sewer line going across your property and not be able to have city sewer. And I'm hoping that we can pass this and have not happen.

Alderman Reynolds says I think its ridiculous for a man to live in this town all of his life and not have sewer.

Alderman Zurcher says oh I agree with that too.

The mayor say Tim if you don't mind will you please reiterate why it is that we not provide sewer service to properties outside the city limits.

Alderman Davis says we did this prior to '85.

Someone says was that your opinion Tim.

Alderman Young says that was Don Bunn's.

Conklin says he's been here longer than I have and I'll let him explain. The question is why is it a city policy that don't extend the sewer outside the city limits. That's policy.

Mr. Bunn states I think it's because we would rather have properties annexed and that's a leverage for annexation. That's one reason. And what the other reasons might be I don't know. It's-that policy has been in place-I've been a long time but it's been in place longer then I've been here. But the reason that I've heard stated is the same reason that we wouldn't allow a sewer tap outside the city limits. And that is we would like to encourage annexation to the city.

Alderman Trumbo asks Don why in the past have we had a practice of digging up someone's yard in the easement and they are not in the city limits to put our sewer line but they can't use it? Is that an old practice that we've had?

Alderman Young says those are the ones that I'm talking about.

City Council Meeting Minutes

June 5, 2001

Page 43

But I mean but its hooked up to city sewer though.

Alderman Young said those are the ones that are tapped on.

Mr. Bunn says the sewer lines that I'm aware of that are outside the city go facilities that are outside the city for instance, across Mr. Hendricks property that sewer line leads to a pump station further to the west and so I don't think its been a practice in the past placing sewer lines outside the city limits to specifically serve properties out there.

Alderman Thiel asks what about the subdivision that we just got through taking in-you know-annexing. Sewer lines ran through it out on-off of Wedington Drive.

Conklin says with regard of the annexation. That's why staff did support that annexation and recommend it, is that we do get all our urban development type of infrastructure installed when that development comes through. Parks, trees, tree preservation, storm water grading, drainage, all those ordinances do apply. So it is important that we do annex individuals and I guess one other benefit is if you do annex, you get police protection, you get to participate with our recycling program and do think that positive too.

Alderman Thiel says I just really think-I mean I sympathize with of the issues here but I feel like that Mr. & Mrs. Hendricks are going to-apparently the developer is going to provide a free sewer tap or pay for some of this so you're kind of giving them a break that way. I realize there is going to be some cost in filing for annexation. I still think this Council can look into the idea of waiving the city's portion of that annexation fee. So I-you know I really-considering the fact that there is so many areas-some areas in Fayetteville that have been in the city limits for many years that do not have sewer, they probably won't-not have sewer for many years to come I just-and for all the reasons that Tim Conklin has mentioned why we do want to annexed property where we want to run sewer, I certainly-you know-would like to see Mr. Hendricks apply for the annexation.

The mayor says you said that someone was wanting to annex to west of the Hendricks property.

Conklin answer the annexation that we recently approved here at the City Council, the developer has or will acquire additional land to the north, approximately 14 acres, its been to the Parks Board. Parks Board recommended. They're serious if the council does agree with the annexation that this annexation is directly west of Mr. Hendricks' property.

Someone is speaking but is not at a mic to pick up what they are having to say and so this transcriber is unable to transcribe the comments.

Tim says south and west.

The mayor says even if-will it adjoin the city limits this other annexation. Is it already adjoining the

City Council Meeting Minutes

June 5, 2001

Page 44

Tim says south and west.

The mayor says even if will it adjoin the city limits this other annexation. Is it already adjoining the city limits.

Conklin responds it does adjoin the property that we recently did annex into the city. On their plat it did show Mr. Hendricks' property. I'm sure

Someone in audience interrupts but transcriber is unable to hear what is being said without a mic.

Conklin says it includes the bluff and the creek down below. This annexation would.

The mayor says Mr. Hendricks I have a question. Do you - I'm sorry go ahead.

Alderman Davis says Mr. Hendricks says out of curiosity how many acres do you have out there. I can't not tell by looking at this drawing.

Mr. Hendricks responds I have 6.2 acres. Three plus acres are on the lower level and its in a flood zone. And our top acres are about 3 acres where we are.

The mayor says my question is, if the city were to waive the \$325 fee and you were able to save money on your fire insurance by annexing into the city, if you were able to annex into the with those circumstances it would help us to be able to provide the sewer taps you are looking for and not deviate from established policy. Is there an opportunity for you to work with us into so that we can maintain policy but you can get your sewer taps by annexing into the city?

Mr. Hendricks says well we're going to have to do what we have to do whether we like it or not.

Alderman Davis says let me ask another question. Do you currently pay dues to a voluntary fire department?

Mr. Hendricks says yes I do.

Alderman Davis asks how much are those dues a year?

Mr. Hendricks says the reason I ask that, its okay if you don't know the figure off the top of your head. But the reason I ask that is where the mayor is going by you decreasing the cost of your insurance because you become a part of the city and you also don't have to pay the voluntary fire department dues anymore and with the city offering to waive the \$325 fee for annexation those help take care of that cost.

Mr. Hendricks says I don't have a clue-what's the time frame on this, is what I want to know? We've

What's the length of time it takes to annex something of that nature?

Tim answers 2 ½-3 months.

Alderman Davis says okay.

The mayor asks is there a way we could expedite the tap in the process of getting the annexation, if we felt certain that the annexation would happen?

Alderman Davis says with a condition that you have so many months or whatever that you have it annexed. I mean what are you asking?

The mayor says I'm just seeing if there's some room, wiggle room in here where we can accomplish our goals as expeditiously as possible.

Alderman Reynolds says I think the wiggle room is the same developer that done his deal is the same developer that is fixing to the 14 acres.

The mayor says oh is that right?

Alderman Zurcher says who is that?

Alderman Young says this Council has been put in a real bind. Who is that developer we've been talking about? What is that developer's name?

Mr. Hendricks says Creekmore I think is the developing company. Bridgeport.

Alderman Young says Bridgeport. What's his name?

Tim Conklin says originally it was Richard Doyle whose deceased now. Bill Helmer and

Alderman Young asks do you what the engineering firm is that they've hired that failed to inform him of these requirements to the city?

Tim says the current engineering firm for Phase IV, V and VI is Engineering Design Associates. I'm not sure if this agreement was made. They also had two previous engineering firms on the earlier phase itself. I'm not sure what engineering firm told Mr. Hendricks about the sewer taps.

The mayor says Tim I'll tell you what if you could help me, I'd be glad to volunteer to do this if it would help. If it would be helpful for my office to call the principal to the engineering firm, the developers and say you've put us in a bad spot can you fix this for us and see what they have to say I'd be glad to do that tomorrow, if I get the information if that would help solve this problem.

City Council Meeting Minutes

June 5, 2001

Page 46

would help. If it would be helpful for my office to call the principal to the engineering firm, the developers and say you've put us in a bad spot can you fix this for us and see what they have to say I'd be glad to do that tomorrow, if I get the information if that would help solve this problem.

Mr. Bunn says let me says that should Mr. Hendricks decide to annex, the sewer taps are actually in place. There is nothing else to do in terms of making the sewer available and in past

Alderman Young interrupt to ask at no cost? There's no tap fee?

Mr. Bunn answers there would not be a tap fee at all. In the past in situations like this we have allowed a person to go ahead and utilize sewer taps while the annexation process is going on. So that could happen in this case should the Council decide that.

The mayor says that would solve our problem. If Mr. Hendricks is willing to agree to that then you could hook right into the sewer system soon if you agree to the annexation process. I think what Mr. Bunn just said is that since the taps are already in existence and it has been a precedence that you could use the sewer tap in while in the process of-going through the annexation process that you would be able to tap into the sewer's right away and we would be able to maintain our policy as long as you are annexed into the city.

Mr. Hendricks says there's probably going to be a time frame here to annex in.

The mayor says well no I think that you would be able to tap into the sewer tap pretty soon, I mean right away. If you agree to the annexation. Is that pretty much right Don? Yeah. Because your taps already existent and you could tap into them right away if you agree to the annexation process.

Alderman Davis asks are we still looking at waiving the annexation. Okay. I'm just trying to make sure so everybody understands.

Alderman Jordan says just basically its going to cost Mr. Hendricks \$60 basically.

Alderman Davis says no.

Alderman Jordan says no? While when he annexes in it will be \$60.

Alderman Young says in taxes.

Alderman Jordan says taxes.

Alderman Trumbo says he still has to get an attorney to go through the process.

Alderman Davis says I make a motion that we amend the motion.

City Council Meeting Minutes

June 5, 2001

Page 47

The city clerk says I do have a motion.

Alderman Thiel says we do have motion.

Alderman Trumbo says I already made a motion.

Alderman Young says I want to amend it to say we approve the sewer taps contingent upon annexation into the city and waiver of any fees associated with annexation.

The mayor asks is it acceptable to you Mr. Hendricks?

Mr. Hendricks says I'm sure I understand. We won't have to pay the city anything for annexation is that what you are saying?

Alderman Young says that's right.

The mayor says what the motion is right now we're discussing is that the City Council would approve your using the taps, that would give you what you want,

Mr. Hendricks says that means I can hook on.

The mayor says on the condition that you get annexed into the city and we would not charge you the annexation fee of \$325. We will waive that fee.

Mr. Hendricks says okay.

They mayor says so basically what you'd be doing is we'd be saying yes to you using the sewer taps if you would say yes to us that you would annex into the city. And we wouldn't charge you for the annexation fee. Is that fair?

Mr. Hendricks says okay.

The city attorney says Mr. Hendricks needs to understand that there's more fees than just the city fee.

Mr. Hendricks says I understand that. I still have to pay attorney fees and I'm not sure what that's going to involve. You know what a ball park figure of what that's going to cost.

The city attorney says I don't know what it would cost but I'm sure it will be several hundred dollars, especially if you have to publish something in the newspaper for thirty days. I know that usually around \$100 and what the attorney's fee is going there and appearing before the Planning Commission. You're talking several hundred dollars I think minimum.

Alderman Young says I'd personally go see Mr. Doyle and give the money.

Mr. Hendricks says I'm sorry.

Alderman Young says I'd go to that developer and say cough up the money.

Mr. Hendricks that's what I'm looking at. That's why I wanted to know how much time I had to do this.

Alderman Youngs says that's exactly what I'd do.

Alderman Trumbo says so Kit do we vote on my motion or his amendment?

The city attorney says the amendment has to be voted on first to see whether it passes to amended your motion.

Alderman Youngs says do we got a second to it?

Alderman Thiel seconds.

The mayor says we have a motion and second to approve the sewer

The city attorney interrupts and says no, amend Alderman Trumbo's

The mayor says I'm sorry. Kit make this clear for us all here. What are we voting on?

The city attorney says I think the clerk wrote down the amendment.

The city clerk says Alderman Trumbo moved to approve the request without annexation. Lioneld Jordan seconded the motion. Cyrus Young has moved to amend Trent's motion to approve the sewer hookups on the condition that they agree to annexation into the city and the city agrees to waive all its annexation fees.

The mayor says alright. So is there any other discussion on the City Council. Is there any discussion from the public. Yes sir.

Mr. Hendricks asks do I need to annex all my property or just the property my house sits on.

The mayor asks Tim what do you think about that. How would that work?

Conklin is not near a mic and this transcriber cannot hear what he is saying.

City Council Meeting Minutes

June 5, 2001

Page 49

The mayor asks would that be a lot split?

Again Conklin is not near a mic and can not be heard.

The city attorney says you might have to hire a surveyor if you want to survey out a difference in your property.

Alderman Young says the north so many feet.

Alderman Thiel says yeah. If you've got a legal description that's really all has to do.

The mayor says yes Mr. Garcia.

Mr. Garcia says I'm afraid I would have to speak against Councilman Young's amendment as much as I hate to oppose my own councilman. And in favor of Councilman Trumbo's original amendment to approve the usage of the tap without the annexation. I think you're making it unnecessarily complicated. You ask your own city staff for the reason behind the policy to be annexed before you get the sewer service and they had to fumble around for it. They had to just scratch their heads and well we're not sure but maybe this is what it was. And it looks to me like you have here is some grandparents in their 70's I believe you said. Who are raising their granddaughters because their daughter died and I don't see why we as a city need to put them through any of these hoops at all. Why can't we just allow them to use the taps that are already there without going through the annexation. Now you have I think four actual citizens left here in the Council Chamber and to ordinary working people and I would suggest that you simply ask for the four citizens in this chamber and the two average working folks if they would object to grandparents raising their granddaughters getting to use city water without having to annex and run through all these hoops. Who would object to that.

Alderman Thiel says well, for one thing because of their age the property will be probably be sold in 15-20 years down the line. Then it will still be outside the city limits. You know, and frankly, you know, it sounds to me like we're really offering him more by providing him the fire protection that he is not getting now and I think it's a better situation for him and for the city.

Mr. Garcia says I know, for example my own parents are in their 70's and they live here in Fayetteville, and to make any changes in their situation at all is fairly difficult for them. My sisters do a lot of care taking. I do a little less care taking for my parents but to change my father's insurance he has to have one of the children their working with him to go through the steps because things are so complexed these days. I also remember that fairly recently there was major war going in Washington County about the folks did not want to be brought under codes and all that kind of things, and permitting processes like we have here in the City of Fayetteville. Where if he is annexed all the sudden his property comes under city codes that they would not have been under before and who knows what additional expenses that would entail. It seems to me a simple humanitarian request and ask the citizens of Fayetteville that are here. The ones that are the most commented that stuck it out through this meeting, would you

object?

The mayor says Mr. Garcia one thing I'd like to add is that I think the reason that this policy is in place is because when development happens at the edge of the city the only control we have over that development to bring them under our codes is sewer taps. If we were to provide sewer taps outside our city limits then people could, we would be circumventing a lot of our planning regulations I suspect. Am I wrong about that? Would they-is that one of the hammers we have over development is that we can say you have to meet our codes and ordinances or we won't provide sewer to you. Is that pretty much accurate?

Conklin says correct. (He makes other statement but this transcriber is unable to hear what he saying once again he is not close to a mic.)

They mayor says so if we provide this

Mr. Garcia interrupts to says if I recall the city staff saying earlier there already are existing exceptions. There already are the taps, the sewage lines running outside the city the taps are being used on outside the city. And I haven't noticed any flood of people knocking down the doors of city hall demanding that they also get sewage taps without annexation. It's not like this is going to create some massive problem that hasn't existed before. It's a simple humanitarian case. Very simple and I completely support Councilman Trumbo in this. I think he had the correct response from the heart from the very beginning. And you don't need to make it any more complicated then that.

Alderman Reynolds says so you'd be in favor of breaking our city regulations and our city ordinances that you've got to live in the city to have services.

Mr. Garcia says well I remember the City Council going to great lengths to make an exception that would apply almost exclusively to CMN Properties with the tree ordinance. And if necessary, let's have our city attorney to go to great lengths to make an exception that would apply only to this particular couple. Why would we give CMN Properties more preferential treatment than we would to individual citizens.

Alderman Reynolds responses that's got nothing to do with this case.

Mr. Garcia asks why doesn't it?

The mayor asks do you have any other comments Mr. Garcia.

Alderman Davis says mayor I called a vote.

The mayor says and vote is on the amendment? The mayor states we have a motion and second on Mr. Young's amendment. Shall the motion pass? The city clerk calls the roll. The city clerk says its 4 to

City Council Meeting Minutes

June 5, 2001

Page 51

4. The mayor asks and the amendment is to allow the annexation.

Alderman Thiel says wait a minute did you count that right?

The city clerk says I have Zurcher, Trumbo, oh no I'm sorry, Zurcher, Trumbo and Jordan, no. So I'm sorry. 5/3.

The mayor asks so the amendment passes. Alright so what do we do with the first motion? Now did that say that we allow the sewer taps without having to annex?

Alderman Davis says no.

Alderman Jordan, says no we put.

The city attorney then says no, that has been amended at this point.

Alderman Jordan says now we vote on the whole shooting match.

The mayor asks what is it exactly that we will be voting on Kit?

The city attorney says that the City Council hereby approves a request to provide city service for two sewer taps on property own Don and Donna Hendricks located outside the city limits provided or on condition that they apply for annexation and that the city will waive its normal annexation fee.

Alderman Jordan asks are you agreed to that Mr. Hendricks.

Mr. Hendricks says I don't really have any other alternative.

Alderman Jordan says you can say yes or no. I mean I just want to know.

Mr. Hendricks responds (is not near a mic and I can't hear or make out exactly what he is saying.)

Alderman Zurcher says Mr. Hendricks I usually don't give too much legal advice. If I were you, I'm gonna give some now. If I were you, if you really think you've been wronged by this developer, I would start calling around to attorneys. I think there are attorneys that would take this case on contingency that you win something is the only way you have to pay that person. I don't think you should have to pay a dime to fix problem if you were promised by that person to

Mr. Hendricks makes other comments but he is not by a mic and not able to hear them.

Alderman Zurcher says but I think they implied that you were going to be able to actually use those taps and I think in a court of law

Mr. Hendricks again makes more comments but I still can't make out what he is saying. He is not by a mic.

Alderman Davis says Mr. Zurcher can I see your shingle?

Alderman Jordan says I think the situation is, Mr. Hendricks, if you're not-if you don't agree with this I'll vote no. But you're alright with it I'll vote yes. And I think that's up to you.

Mr. Hendricks again makes comments but I can't make out what he is saying. He is not by a mic.

The mayor says we have a motion and second to approve the use of the sewer taps on the property with the amendment. The city clerk calls the rolls and upon roll call the motion passes.

The mayor says I'm sorry Mr. Hendricks that we've find ourselves in this situation but we'll work with you as best we absolutely can.

Mr. Hendricks says more but I can't hear him.

The mayor says I think you can-as of now you can start using your taps. Is that pretty much.

The city attorney says he has to-certainly in the very near future apply for annexation.

Hendricks says I understand that but how many days do I have to-before I-what kind of time frame to I have.

The city attorney says as long as it is reasonable the City Council will won't have any objection. In other words if you get it going within a week or two then I don't think there will be any problem.

Hendricks says I thank you for your time.

The mayor says thank you Mr. Hendricks. Is there any other business? Any other comments?

Mr. Mayor!

The mayor says yes, sir.

I would like to remind the Council that we had talked about an informational session to deal with the Parks Master Plan and the date we set for that assuming that it is okay with the Council is June 26th out at the Genesis Center at 6 p.m. The Genesis Center is the new development Southwestern Bell. I've looked at the facility it's I hate to says state of the art but it is. It's a wonderful place to have that meeting. It will be a informational meeting with Council, Planning Commission and representatives and the Parks Board.

Alderman Davis says June 26 at 6 p.m.

He says we'll send you out a notice.

Alderman Davis says what night of the week is that?

He says Tuesday.

Alderman Thiels says Tuesday. So it would be after an agenda meeting?

Alderman Jordan says Tuesday at what time?

Alderman Thiels says 6 is a

Alderman Zurcher says at what time, at 7?

Alderman Davis says 6.

Alderman Zurcher says I have a ward meeting at 7.

Alderman Jordan says what day is it?

Alderman Zurcher says every 4th Tuesday I have a ward meeting.

Alderman Thiel says that's an agenda meeting night I guess.

Alderman Reynolds says if its on Tuesday its either one or the other.

Alderman Santos says its one or the other.

Alderman Jordan says the 16th is a Saturday in June.

Alderman Jordan is told the 26th.

Alderman Thiel says yeah cause the 27th.

Alderman Jordan says that's agenda session.

Alderman Thiel says we meet at 4:30 and be over at 6, except the people having ward meetings.

Alderman Davis asks can we have immediately following the agenda session?

City Council Meeting Minutes

June 5, 2001

Page 54

Alderman Santos says and just have it right here?

Well the problem with right here is there is going to be other people involved. We can also move it to two other dates. There is two other dates that Lois is available and that's July 16th and 17th. So if you prefer us to go to one of those two dates we can. Its important to have as many people there as we possibly can.

Alderman Young says we need to look at the agenda over there, what's scheduled and what day it is.

The mayor says I think the problem with having it here with the City Council and the Parks Board and the Planning Commission is that it just gets to be-we don't want to be up here dictating to the other commissions. I think that's-we want to avoid the appearance of that. If there is a way we can change it out I'm sure most of us are flexible.

Alderman Thiel interrupts to say we have our agenda meeting so on the third floor and then they could be set up down here. All we would have to do is come down to this room. If we had it right after our agenda meeting.

The mayor asks if there a chance we could do it up here in the agenda

Alderman Thiel again interrupts and says we have our agenda meeting up there. Then we could come down here for the meeting.

The mayor said that's what I'm saying if we came down here somebody would probably be up here and dictating to the other commissions. It would be better if we had some-more of a round table discussion rather than.

He says we had intended to use a horseshoe development which we can use out at the Genesis Center to have everybody sitting around rather than-this room is not amiable to that type of set up as that is out there. I certainly do not want to cause a problem with the agenda meeting. Why don't you let us look at some alternate dates and then get back with you.

Alderman Davis says okay.

Alderman Reynolds says as long as its not on a Tuesday it will probably work.

Alderman Jordan says Tuesday is a bad day.

Yeah I'll make sure you don't have a meeting.

Alderman Zurcher says I have a real brief announcement. Three weeks from today which is the 26th at 7 p.m. Ward 2 ward meeting, we are moving it down to St. Joe's Cafeteria on LaFayette. So maybe

a less formal environment. I'm just inviting everybody to be there. 7 o'clock.

Alderman Trumbo says next Tuesday at 6 at Vandegriff Gym Mr. Davis and I will be having our first Ward 3 meeting at 6 o'clock next Tuesday which is the 12th. So it will just be 6 o'clock. I just wanted to correct NW Times made an honest mistake and said that proclaimed I didn't like ward meetings. I didn't say that. I commended the other alderman for having them. What I did say was that Mr. Davis and I with our professions and city government and church and nonprofits and charitable work sometimes have a hard time coordinating schedules to have one. And we're lucky and fortunate that we have our first one scheduled for next Tuesday.

The mayor asks for any other questions or comments or statements or announcements.

Alderman Reynolds says Thursday night, Butterfield School.

Alderman Davis says there'll be a street meeting 4:30. Walk through Rolling Hill to Mudd Creek.

The mayor says I declare this meeting to be adjourned. Thank you all very much.