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

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

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

ABSENT: Alderman Reynolds.

FIRST NIGHT: Annual presentation from First Night.

Ms. Toby Kaufman, First Night, gave a presentation explaining their program and their outreach programs to reach different segments of the community.

Ms. Vena Pesero thanked the city for their participation and expressed her feeling about how First Night brought multi-cultural people together with their different programs.

Phil and Glenda expressed the need for the community to join together provide an environment without substance abuse or violence and encourage community events which encouraged healthy lifestyle choices and opportunities for community involvement and opportunity to develop community pride and a since of community belonging.

Representative from the Boys and Girls Club stated this was their second year for their club members to be involved in First Night. It was a good learning opportunity for the children to be creative and to show off the work that they have done.

A student representative from the University stated First Night provided a non-alcoholic event for University people and a good opportunity for them to become involved in their community.

John Roanack thanked the Council for their participation and stated they had been able to keep the cost of the buttons to twelve dollars. Children under six are admitted free. They also presented several free community activities such as the starlight procession, the parade, creation corner, and the fireworks display. They also gave away buttons to low income families, at risk youth, and disabled students. The first year they had been able to give away thousands of buttons. The second year over fifteen hundred. Last year almost two thousand. This year they hoped to give away over two thousand buttons. He encouraged them to continue their support in the future.

Dr. David Williams thanked the council for their support. They helped with substance abuse, prevention and helping kids develop constructive alternative lifestyles. They helped them with the arts and to bond people from every walk of life together. They helped them transform a community celebration into something wonderful and positive. It was becoming a great winter festival.

NOMINATING COMMITTEE: Appointment of Gary E. Garton to the Fayetteville Housing Authority.

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

CONSENT

APPROVAL OF THE MINUTES

LIBRARY: A resolution approving Amendment No. 9 to the contract with Meyer, Scherer and Rockcastle LTD in the amount of $36,970 for completion of the design, documentation, engineering and construction observations services for off-site utilities work for the new Fayetteville Public Library at 401 W. Mountain; and approval of a budget adjustment.

RESOLUTION 147-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

WILSON PARK TENNIS COURTS: A resolution approving a contract with John P. Marinoni Construction for the renovation of the Wilson Park tennis courts in the amount of $174,716, plus a ten percent project contingency of $17,470 for a total cost of $192,186.

RESOLUTION 148-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

TRASH BAGS: A resolution authorizing the purchase of up to 682,672 purple residential trash bags from Phoenix Recycling in the amount of $82,419 or $0.1311 per bag to complete annual budgeted purchase of volume based residential trash bags.

RESOLUTION 149-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

DBE PROGRAM UPDATE: A resolution accepting and approving the updated DBE participation goal for 2002.

RESOLUTION 150-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Alderman Thiel stated on page twenty-two of the minutes at the bottom, "this action was intended to shut down the track." It should read, "this action was *not* intended to shut down the tract."

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

OLD BUSINESS

RZN 01-16.00: An ordinance approving rezoning request RZN 01-16.00 as submitted by Ronnie Ball on behalf of William Lazenby for property located at the southwest corner of Millennium Drive and Crossover. The property is zoned C-1, Neighborhood Commercial and contains approximately 0.70 acres. The request is to rezone to C-2, Thoroughfare Commercial. The ordinance was left on the second reading at the October 16, 2001, meeting.

Mr. Williams read the ordinance.

Mr. Williams stated a bill of assurance had been offered by the owner. The rezoning would be done the condition of accepting the bill of assurance. He read, "the use of the petitioners property shall be limited to the uses in C-1, plus a liquor store." It could only be used for a liquor store that was required in C-2.

Alderman Davis thanked Tim for the drawings of the structure. He had received one call that asked them not to rezone this tonight. That was the only complaint or person that had asked him not to vote this proposal. He appreciated the bill of assurance. If the liquor store was to cease operation, then the property should revert back to C-1.

Alderman Trumbo asked if this was new liquor store?

Alderman Davis stated this would be moving Dan's Liquor Store from the corner of Rolling Hills and Hwy 71 to this location.

Mr. Lazenby, applicant, stated he did not want to limit it to just the moving a liquor store. It needed to be just "a liquor store." He was building the building to lease to a liquor store. Right now it was was Dan. He had some other inquiries.

Mr. Conklin stated he had received a call from the property owner north of Millennium Subdivision, Mr. Robinson, did call in and express his concern about the rezoning. Mr. Robinson is opposed to the rezoning. He feels that with Visa Health Care down the street and other detox facilities that it was not an appropriate location.

Alderman Davis stated he had received calls from Rich and Dotty Brown. He had heard concerns about the design of the building.

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

ORDINANCE 4344 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RZN 01-17.00: An ordinance approving rezoning request RZN 01-17.00 as submitted by Cynthia Beard and Williams M. Center for property located on the southeast corner of 15th Street and Beechwood Avenue. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 12.13 acres. The request is rezone to R-2, Medium Density Residential. The ordinance was left on the first reading at the October 16, 2001, meeting.

Alderman Santos moved to suspend the rules and go to the second reading. Alderman Davis seconded the motion. Upon roll call the motion passed by a vote of 6-2-0, Jordan and Zurcher voting nay and Mayor Coody voting yea.

Mr. Williams read the ordinance for the second time.

Alderman Jordan stated he had received a petition from that neighborhood of about seventy-five signatures. They did not wish for this to be rezoned. The problem with that area was that the creek would get completely out of its banks. Water would get as far as Eighteenth Street. The people were concerned that if the apartment complex went in there that the water would get into some homes. He knew they were down zoning, but that was not the issue. The issue was that he represented those people in that area. That neighborhood did not want that apartment complex in there. They were concerned about possible flooding and traffic congestion and their quality of life in that neighborhood. These were concerns. If the city could write some sort of contract that would guarantee these people that their homes would not be flooded, he might support this if they would do that. As it stood right now, he could not support this development.

Alderman Davis asked if the developer would be willing to meet with the neighbors.

Mr. Bill McClard, applicant, stated tonight was the first indication that anyone was disappointed with what they were planning to do to this neighborhood. They would be more than happy to meet with the people of the neighborhood and try and explain what they were trying to do.

Alderman Jordan stated on Brooke Street there were homes that were flooding. The point was they were putting in all kinds of new develops, and new development was fine, but there was the possibility that they could be flooding peoples homes. The city was not willing to take responsibility for that flooding. The traffic congestion was going to be another problem.

Mr. McClard agreed to met with the neighbors.

Alderman Santos stated they had ordinances in place. If anybody flooded, it would not have anything to do with this development, if it was developed according to their ordinance. They had the ordinances in place to prevent this kind of thing from happening. He did not believe the flooding fears were founded. He did not believe that if this development was done according to our ordinance, that there was any possibility that they could be adding to the flood risk. They could not guarantee that there would not be another great flood. This development would not have any impact on whether the great flood came or not. The traffic congestion he found to be silly. Anybody could go out to that intersection and see it was the biggest, emptiest intersection he had ever seen. The infrastructure was already in place.

Mr. McClard stated there were ordinances in place that when they went through large scale they had to have engineering grading that had to be approved. The study had not been made yet. These objections that any project had to go through to make sure that they did not put water onto the neighbors.

Alderman Young stated the neighbors were concerned about flooding. The ordinance addressed it, but if they read the ordinance it just talked about no increased flow onto the neighbors. They had to be very careful about how the ordinance read.

Mr. McClard asked if he was wanting the developer to go back and make sure that no flooding could happen, when it may already exist?

Alderman Young replied no that was not what he was wanting. This was a rezoning. There were two major things that they could consider-flooding and traffic. Whether or not the traffic issue was there, he did not know. He was certain the flooding issue was there. His advice to him was to address the flooding issue, if he wanted to get this rezoning.

Ms. Terry Easton, an area resident, stated she would be a neighbor to this development. What they were discussing at this point in time was a rezoning. They did not know that this development would ever come into being. What they were talking about was a down zoning. No matter who this land was developed by, if it was developed for an industrial usage, they were still going to encounter the same problems if not more problems than what they could encounter if they down zoned the property and worked with this developer to put in a multi-family residential complex, a restaurant and a hotel. She believed these things could be accomplished without affecting the flood plain. She believed this development could move forward without causing flooding problems. She was not opposed to this rezoning. She reminded them that they were considering the rezoning and the development. This was a down zoning and an in-fill project, which was what smart growth was about.

Mr. Allen Gibson, an area resident, stated he was concerned about the wetland and the pollution. He drove through the intersection many times a day. It was busy in the morning and evenings. They were concerned about the traffic. He questioned where the city apartment occupancy stood. Did the city really need more apartments?

Alderman Trumbo stated he was on the University's board for student affairs. Their dorms were at one hundred percent occupancy.

Mr. Gibson stated if the occupancy rate was not over ninety percent he did not see any need for this. All the motels in this area were not filled. There was not a need for another motel. They were concerned about the quality of life and people using their streets to avoid using the large intersection. He was not for this project. He believed his quality of living would go down. Student population would go up. It was an optimum place to make money. He believed if they went for making money rather than the quality of life their children were losing venues around there. They were not going to be able to see a field. He grew up in this town and he had seen the land disappear. It was amazing to him. What were they going to do, have their children walk around on parking lots? He asked if it as necessary.

Alderman Thiel asked if they would prefer to have an industry or factory there.

Mr. Gibson replied absolutely not.

Alderman Thiel stated that was all they were doing was changing the zoning from Industrial to residential. Right now, anybody could go in there and build a factory and any of the things that came in under the industrial zoning.

Mr. Gibson stated that would be unacceptable too.

Mayor Coody stated they would not be able to tell someone that they could not develop the land the way it was zoned. It was zoned Heavy Commercial/Light Industrial now. There were a lot of industries that could move in there tomorrow without having to change the zoning.

Alderman Jordan asked if the Council had the right to appeal the decision of the Planning Commission.

Alderman Young stated it would not be a decision of the Planning Commission. They could get a building permit tomorrow. If it was a large scale development, they would have to go through large scale development.

Mr. Conklin stated with their current zoning they typically saw mini-storage units, warehousing, light manufacturing, used car lots, trailer sales, that type of retail sales. That is the type of development that they have been seeing recently. Industrial looking uses, metal buildings. Their tree ordinance required fifteen percent tree canopy required in I-1 and twenty percent in R-2. They did have more tree preservation with the down zoning. R-2 zoning allowed single family, duplex, triplex, multi-family, up to twenty-four units per acre. The C-2 was going to allow for the hotel. The restaurant was already allowed in the I-1. Looking at the process, they would have to either subdivide it or split it or they could do one large scale development. At minimum, they were going to have to come to the Planning Commission, either for a lot split or a subdivision. If it was larger than one acre they would have to do a large scale development. At that time, it did go through a development review process. It was a thirty-five day process. It involved three meetings. That was from the first submittal to Planning Commission. At that time, Stormwater, Floodplain, grading, subdivision, zoning, tree preservation, those ordinances would be looked at and the development would have to comply in order to get their development approved at Planning Commission. His feeling in regard to potential uses, C-2 allowed them to enforce their Commercial Design Standards. It did not allow for metal buildings to be constructed. He thought it would be more appropriate to have some type of commercial use than some type of I-1 use, such as mini-storage, warehouse, in that location. As he looked at that corridor he thought it would be beneficial to be able to use their Commercial Design Standards. They did have standards for stormwater retention. They needed to remember that they were looking at land use and how that could develop in the future. Staff had recommended to down zone the property. They would rather see residential, commercial uses rather than metal buildings, warehouse uses or trailer sales.

Alderman Thiel stated if they approved this down zoning, the Council would still have the opportunity to appeal any project offered.

Mr. Conklin replied yes. Tonight they were considering a legislative decision. When they got to the point of developing, and they applied for a large scale development, then the city set out the ordinances they had to meet. They had to instruct the developer how to meet their ordinance. They could not just say no. A rezoning was a policy decision. As staff they had to walk people through a process from start to finish and make sure what their ordinance required. The Planning Commission could not just say "no". They had to make sure they could approve their development, if they do what is required by the ordinance. If they met the ordinances, then their project was approved.

Alderman Zurcher stated if it were economically feasible to build I-1 on that land, that was what would be happening right now. It was a profit motive. He did not believe they were at a risk in having something I-1 develop there.

Mr. Conklin stated that they required the property owner to sign all applications. The property owner had to be willing to sell or rezone the property.

Alderman Zurcher reiterated no one has applied for an application to build on this property in I-1, meaning it was not economically feasible to develop in I-1 or they would have done it. They were saying it was economically feasible to build R-2 here.

Alderman Davis stated they were discussing a rezoning from I-1 to R-2. They had been asked to allow the people who have signed the petition to meet with the developers and to continue this discussion. They needed to decide if they wanted to rezone this tonight or wait. He thought they needed to all them time and table this for two weeks.

Mr. Conklin stated in his office they received at least one phone call a month from someone who wants to develop mini-storage units. They looked at commercially zoned property, which was a conditional use. As the Planning Director, he was not going to support metal storage units in C-2 zones. He would ask them to look for I-1 property.

Mr. Al Vic, an area resident, stated they needed to stop and slow down this type of development. This was not what he called smart growth. This is the developers in total control and no body was going to try and stop it. What ever they could put or enforce upon a quite neighborhood, they were going to do it. It had to stop.

Mayor Coody asked him what he would have them do. Bring them a suggestion. If he were in their shoes what would he do?

Mr. Vic stated he did not know all the legalities, but he did know that other communities have had growth boundaries. They could have ordinances where they had a certain amount of green spaces.

Mayor Coody stated if they wanted this land to be green space, then the city had to buy it. They could not tell land owners that they could not sell their land or that they could not develop it. They did not have the authority to do it. They would have to allow them to develop it in ways that would match their ordinances and the zoning.

Alderman Santos stated their plan did call for this kind of growth. The reason to have an urban growth boundary would be to force people to do this kind of in-fill development because this was what they considered desirable. The infrastructure was already there. This was the desirable kind of development that they wanted. An urban growth boundary would be the thing that would force people to do this kind of development and not prevent them from doing this kind of development.

Mr. Vic stated in-fill could mean different things. It could mean hotels and apartments or single houses on acre lots. People in quite neighborhood should have some property rights. There were huge complexes. He did not believe this was smart growth.

Ms. Easton stated this was a rezoning to bring an R-2 zone next to an already existing R-2 zone. It made more sense to have an R-2 zone next to an R-2 zone than to have an I-1 zone next to an R-2 area. No matter what they believed about the proposed development, it was already a noisy area. It was noisy because of the industrial usages that were forced upon the residents of the area. She asked the Council to support the down zoning. It had nothing to with the developer or what was proposed to be developed on this site. The important part was to get this land down zoned. They may never have an apartment complex on this site. But, they did not want to take the chance of having a concrete company or worse next to this neighborhood.

Ms. Barbara Moorman, an area resident, stated there had not been any extensive discussion on the water. She presented a map of the area illustrating the possible flooding problems. The General Plan mandated that they define and protect areas of significant flood plain. They also had principle number four which stated they were supposed to relate the natural and built environments through community design. The city currently had a contract for a city wide drainage study. The first phase has been completed. That was the drainage manual and ordinance. The second phase was going to be an inventory of the stormwater system. The third phase was a study of the systems water shed. If phases two and three were not finished she did not know how they could ensure anyone of anything. She did not know how they could go on planning new developments, such as this. She thought they should follow their mandate to protect the flood plain. She thought they should postpone doing any developments such as this one until all the studies were done.

THE ORDINANCE WAS LEFT ON THE SECOND READING.

Alderman Santos move that they table the next two items until the next meeting. Alderman Zurcher seconded the motion. Upon roll call the motion carried unanimously.

RZN 01-18.00: An ordinance approving rezoning request RZN 01-18.00 as submitted by Bill McClard of Lindsey and Associates on behalf of Cynthia Beard and William M. Center for property located on the Southwest corner of 15th Street and Beechwood Avenue. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 19.39 acres. The request is to rezone to R-2, Medium Density Residential. The ordinance was left on the first reading at the October 16, 2001, meeting.

THE ORDINANCE WAS TABLED ON THE FIRST READING.

RZN 01-19.00: An ordinance approving rezoning request RZN 01-19.00 as submitted by Bill McClard of Lindsey and Associates on behalf of Cynthia Beard and William M. Center for property located south of 15th Street between Beechwood Avenue and Razorback Road. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 9.86 acres. The request is to rezone to C-2, Thoroughfare Commercial. The ordinance was left on the first reading at the October 16, 2001, meeting.

THE ORDINANCE WAS TABLED ON THE FIRST READING.

REAL AND PERSONAL PROPERTY TAX RATE: An ordinance adopting the real and personal property tax rates for 2001 for Policemen's Pension and Relief Fund and the Firemen's Pension and Relief Fund. The rate to be adopted is 0.4 mils for real property and 0.4 mils for personal property. There is no millage proposed for general government operations. The ordinance was tabled on the third reading at the October 16, 2001, meeting.

Alderman Trumbo move that they remove the item from the table. Alderman Davis seconded the motion. Upon roll call the motion carried unanimously.

Mr. Steve Davis, Budget Manager, stated this item had been tabled because there was some uncertainty as to whether the City of Fayetteville would be involved in a roll back as dictated by Amendment 59. The city is not subject to a roll back. The current millage of .4 mils for real and personal property for the Fire and Police Pension fund, there was no impediment from that stand point.

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

ORDINANCE 4345 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

OFFER AND ACCEPTANCE-RAILROAD R-O-W: A resolution approving the offer and acceptance contract between the City of Fayetteville and the Arkansas and Missouri Railroad Company for the purchase of 6.58 acres of railroad right-of-way along the east side of railroad right-of-way and the west side of Gregg Avenue from Poplar Street to the four lane south of the new bridge on Mud Creek for a price of $263,200. Approval includes purchase price and associated closing costs; and the approval of a budget adjustment. The resolution was tabled at the October 16, 2001, meeting.

Alderman Davis stated the Street Committee had addressed this at their October meeting. It had been unanimous that they purchase this. He presented a map illustrating exactly what they were acquiring. The land went from Popular Street to Van Asche.

Alderman Trumbo moved to approve the resolution. Alderman Davis seconded the motion. Upon roll call the motion carried unanimously.

RESOLUTION 151-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Mr. Williams stated there was a separate resolution for the budget adjustment. The total of the budget adjustment was four hundred and ninety-eight thousand one hundred and thirty-four dollars, which included the money for this, plus other projects as listed in the budget adjustment.

Mr. Davis explained the right-of-way street improvements and some park improvements were generally paid for out of sales tax capital improvement funds. In order to purchase this right-of-way they had to make room for this purchase within the sale tax capital improvement fund. They found a water and sewer project that was not needed. That project was Hwy 62 West water line replacement. When the city sold water to Washington Water Authority, they had a large volume of water which would move that pipe line, it had experience frequent breaks. Washington Water Authority had completed their agreement with the two ton loop and had begun buying the majority of their water from them. It relieved the pressure on the water line on Hwy 62, the breaks have decrease substantially over the last two years and they have concluded that it was not necessary to replace that line now. It may need to be replaced sometime in the future, but it was not needed in the near future. They have money in the sales tax capital improvement fund for the Garland Street water and sewer relocations. The Garland Street improvements are on hold currently pending resolution between the Highway Department, the University, and the School District on improvements to be made on Garland. So they had the opportunity to move the Garland Water and Sewer relocations from sales tax capital improvement fund to the water and sewer fund by reducing the Hwy 62 water line project. If they approved that transaction, then they could add funding for the Gregg Street right-of-way project in the sales tax capital improvement fund as well as add additional money to take advantage of an offer from Motorola to upgrade radio repeater in their radio replacement project, which was a two million dollar public safety/ public works radio system, which would be city wide. It was linked together so that if they needed to have communication between a public works staff member and a public safety member that they had that ability. In order to enhance this radio replacement project, they needed approximately one hundred and twenty seven thousand dollars. It was a repeater that could be done later, but if they did it prior to December 31, the company would give them a thirty thousand dollar price break. An additional project which needed money was Starr Drive. The developer was doing their share of the road improvements. The city needed to do the rest of the improvement so that there would be a consistent street. Additional money was needed for the Sunbridge and Gregg intersection. This intersection project was ready to be bid or implemented as soon as they bought the right-of-way, but it needed a forty-seven thousand dollars more.

Mr. Greg Boettcher, Public Works Director, stated both sides of the street were within the city limits. The developer had to do a half street improvement on their side, while they were improving one lane, the decision was to improve the other lane. Details on that would come to the Council at the next meeting.

Alderman Davis moved to approve the budget adjustment. Alderman Jordan seconded the motion. Upon roll call the motion carried unanimously.

RESOLUTION 152-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

NEW BUSINESS

ANX 01-3.00: An ordinance approving annexation request ANX 01-3.00 as submitted by Andy Feinstein on behalf of Don Hendricks and Eric Harper for property located at 4840 Constitution Drive. The request is to annex into the city approximately 8.74 acres currently located in the Planning Area.

Mr. Williams read the ordinance for the first time.

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

Mr. Williams read the ordinance for the second time.

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

Mr. Williams read the ordinance for the third time.

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

ORDINANCE 4346 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RZN 01-20.00: An ordinance approving rezoning request RZN 01-20.00 as submitted by Colleen Pancake for property located at 302 S. Gregg Street. The property is zoned I-1, Heavy Commercial/Light Industrial and contains approximately 0.16 acres. The request is to rezone to R-S, Residential Small Lot.

Mr. Williams read the ordinance for the first time.

Mr. Conklin explained there was one house on this lot. This was zoned I-1 with a residential use. The city was bringing this to them as part of their Community Development Division renovating her house. Due to the nonconforming use status they had to rezone the property. The city is requesting this rezoning and they have waived her fees.

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

Mr. Williams read the ordinance for the second time.

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

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

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

ORDINANCE 4347 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RZN 01-21.00: An ordinance approving rezoning request 01-21.00 as submitted by Chris Brackett of Jorgensen and Associates on behalf of Louise Sager andf Paul Guisinger for property located west of Shiloh Drive, east of Deane Soloman Road and north of Porter Road. The property is zoned A-1, Agricultural and contains approximately 1.02 acres. The request is to rezoned to C-1, Neighborhood Commercial.

Mr. Williams read the ordinance for the first time.

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

Mr. Williams read the ordinance for the second time.

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

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

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

ORDINANCE 4348 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

YARD WASTE SUBSCRIPTION FEE: An ordinance repealing yard waste subscription fees.

Mr. Williams read the ordinance for the first time.

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

Mr. Williams read the ordinance for the second time.

Alderman Jordan moved to suspend the rule and move to the third reading. Alderman Davis seconded the motion. Upon roll call the motion carried unanimously.

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

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

ORDINANCE 4349 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

LIQUOR STORE PERMITS: A resolution to request that the Alcohol Beverage Commission issue no additional permits for liquor stores within the City of Fayetteville.

Alderman Trumbo stated he was not wanting to place a moratorium on new liquor permits or to inhibit new liquor stores in Fayetteville other than to what the State did, which was one liquor store per four thousand residents. What this resolution asked to ABC Commission was for them to think of Fayetteville as a political subdivision and not as the census that was taken in 2000 for the entire Washington County. The reason for this resolution is to equate in a more equitable manner the amount of liquor permits the city will have going forward for the next ten years. The law was put in place based on the census of Washington County. He wanted to ask the ABC Board to look at applying the one permit per four thousand on the City of Fayetteville's population because they have not been growing as fast as the county. He noted liquor stores were heavily regulated by the State of Arkansas.

Alderman Thiel asked if the five new permits which could be issued were to last between now and the next census in ten years.

Alderman Trumbo replied yes.

Alderman Theil stated the City of Fayetteville was projected to grow. They were limited to five permits in Washington County or if they changed this, no more in Fayetteville. She realized that there was possibly to many right now, but the five new permits were to last them the next ten years. Their population was going to grow. Liquor stores did provide money to the city's coffers.

Alderman Trumbo stated if they added five more stores they would be taking those tax dollars from existing stores and spreading it out.

Sargent Hardy, Juvenile Detective Division, stated he oversaw the alcohol enforcement and the application of ABC alcohol permits. They had far more problems with bars. Liquor stores have been more stable and have created fewer violations than their bars and night clubs.

In response to questions, Mr. Hardy stated if all five permits were to come at one time, it could possibly cause their environment to become unstable. If they were spread over the next ten years it would not be to much of a problem.

Mr. Jay Golesbee, an area resident and business person, stated this was a free enterprise but with regulations. The city regulated the hours that the could operate. He did not see this as limiting competition. All they were asking was that the council consider adopting the same guidelines that the State of Arkansas uses and limit the number of permits to one per every four thousand.

In response to questions, Mr. Golesbee stated if the permits were issued outside of Fayetteville, then it would take sale tax revenue from Fayetteville, but it they were issued in Fayetteville it still would not increase the revenue. It would just redistribute where it came from. There were a lot of areas in the county that were dry. This resolution would limit the number of stores in Fayetteville.

Mr. Dennis Bee stated he was wanting to move his liquor store. His was wanting to serve the community in a different location hopefully on the west side of town.

Alderman Zurcher moved to approve the resolution. Alderman Jordan seconded the motion. Upon roll call the motion failed by a vote of 1-6. Trumbo voting yea.

Meeting adjourned at 8:45p.m.

INFORMATIONAL ITEMS:

GRANT REVIEW: Review of Arkansas Department of Aeronautics grant request.

CHAMPIONS OF CHARACTER: 2000-2001 final report from Champions of Character.