MINUTES OF A MEETING
OF THE
CITY COUNCIL
NOVEMBER 20, 2001

A meeting of the Fayetteville City Council will be held on November 20, 2001, at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain, Fayetteville, Arkansas.

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

NOMINATING COMMITTEE REPORT

ENVIRONMENTAL CONCERNS COMMITTEE
Richard L. McMullen-One unexpired Local Industry term ending 06/30/02
Adrienne Pilmanis-One unexpired Science Discipline term ending 06/30/02
Karen McSpadden Faupel-One unexpired Community/Citizen-at-Large term ending 06/30/02

PARKS AND RECREATION ADVISORY BOARD
Craig T. Mauritson-One two-year term ending 12/31/03
Michael E. Hill-One two-year term ending 12/31/03
Trey Marley-One two-year term ending 12/31/03
Kristin Pawlik-Holmes-One two-year term ending 12/31/03

SIDEWALK AND TRAILS ADVISORY COMMITTEE
Richard C. Covey-One two-year Community/Citizen-at-Large term ending 12/31/03
Kay Curry-Troutman-One two-year Community/Citizen-at-Large term ending 12/31/03
Ken Eastin-One two-year Community/Citizen-at-Large term ending 12/31/03
Laura Kelly-One two-year Community/Citizen-at-Large term ending 12/31/03
Seajay Crosson-One two-year Community/Citizen-at-Large term ending 12/31/03

TREE AND LANDSCAPE COMMITTEE
Bill Dollar-One two-year Business term ending 12/31/03
Janice C. Ryan-One two-year Service Organization term ending 12/31/03
Melissa Evans-One two-year Landscape Development term ending 12/31/03
David Hensley-One two-year University Representative term ending 12/31/03
Carl M. Thomas, Jr.-One two-year Utility Representative term ending 12/31/03
J. S. Candy Clark-One unexpired Community/Citizen-at-Large term ending 12/31/02

YOUTH ADVOCACY COMMITTEE
Ila Campbell-One full two-year Teacher position term ending 05/31/04
Sarah Leflar-One full two-year Parent position term ending 05/31/04
Elizabeth Echols-One full one-year Student position term ending 05/31/03

Alderman Santos moved to approve the Nominating Committee Report. Alderman Thiel seconded the motion. Upon roll call the motion carried unanimously.

CONSENT

APPROVAL OF THE MINUTES

MOTOROLA INC.: A resolution awarding a contact to Motorola Inc. in the amount of $125,341.95 to replace and install five new Quantar repeater stations and one conventional repeater at the Mt. Robinson Tower Site and approval of a change order to Phase I of the radio project to allow the replacement of these repeaters, and contingency of $10,000 to complete Phase I.

RESOLUTION 153-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

STARR DRIVE: A resolution approving a cost share with St. Joseph Catholic Church in the amount of $61,200.00 for the widening of Starr Drive and the associated drainage improvements.

RESOLUTION 154-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

ADM 01-42.00: A resolution amending the Planning Area Boundary.

REMOVED FROM AGENDA.

AIRPORT DRAINAGE: A resolution awarding a bid for the construction of trench drains at Drake Field to John P. Marinoni Construction in the amount of $41,022.14.

RESOLUTION 155-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

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

OLD BUSINESS

Rezoning requests RZN 01-17.00, 01-18.00, and 01-19.00 were tabled at the November 6, 2001 meeting. The applicant has requested that these items not be heard at the November 20, 2001 meeting, but be brought up at the December 4, 2001 meeting.

NEW BUSINESS

PUBLIC STREETS: An ordinance accepting and confirming the dedication of all public streets previously accepted by the Fayetteville Planning Commission.

Mr. Williams read the ordinance for the first time.

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

Mr. Williams read the ordinance for the third time.

Mr. Williams stated this was based on State law which requires that the City accept and confirm any streets dedicated to it. Once they accepted the street they would have to maintain it. They had not done this for a while that was why they were covering all the streets now. In the future as streets came forward they would accept them one at time as they were presented to them.

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

ORDINANCE 4350 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

ANX 01-4.00: An ordinance approving annexation request ANX 01-4.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Mark Foster for property owned by Eugene Nottenkamper and Anthony Turchi and located north of Wedington Drive on the east side of 51st Street. The request is to annex into the city approximately 30.99 acres located in the Planning Area.

Mr. Williams read the ordinance for the first time.

THE ITEM WAS LEFT ON THE FIRST READING.

RZN 01-22.00: An ordinance approving rezoning request RZN 01-22.00 as submitted by David Jorgensen of Jorgensen and Associates on behalf of Mark Foster for property owned by Eugene Nottenkamper and Anthony Turchi and located north of Wedington Drive on the east side of 51st Street. The property is zoned A-1, Agricultural and contains approximately 30.99 acres. The request is to rezone to R-1, Residential.

THE ITEM WAS LEFT ON THE FIRST READING.

RAZE AND REMOVAL: An ordinance approving the raze and removal of the property at 352 W. Sycamore as per Ordinance 3948.

REMOVED FROM AGENDA.

SALE OF MUNICIPALLY OWNED REAL PROPERTY: An ordinance amending Chapter 34: Finance and Revenue, of the Code of Fayetteville, to establish a formal process for the sale of municipally-owned real property.

Mayor Coody suggested forwarding this item to the Ordinance Review Committee.

Alderman Young agreed and asked the City Clerk to reserve a room for this meeting after the agenda session next Tuesday.

Alderman Zurcher moved to forward the item to the Ordinance Review Committee. Alderman Jordan seconded the motion. Upon roll call the motion carried unanimously.

Ms. Fran Alexander stated she would like to have some form of public dialogue.

THE ORDINANCE WAS FORWARDED TO THE ORDINANCE REVIEW COMMITTEE.

ARCTIC OIL DRILLING: A resolution opposing arctic oil drilling.

Alderman Zurcher stated he had brought this forward because he believed it was an important item. In 1998 the city had passed a Tibetan National Independence Day. He was bringing the Arctic resolution forward because there were people living around the Arctic National Wildlife Refuge. They were speaking out and not being heard. They did not have the voice that they should have and they were not being listened to. The US Geological Survey estimated that the oil recovered from the Arctic Refuge would amount to less than a six month supply for the American consumer. By oil industry estimates it could take up to ten years to actually see oil from this project.

Alderman Davis stated he had not had the time to look at the information presented by Mr. Zurcher. He did not know if the facts on the handout were correct or not. He had received numerous calls where people were asking him what they were doing discussing this. They did not believe it to be related to city business. He would be opposing this.

Alderman Zurcher responded that it was their national refuge and it belonged to the citizens. If every city in this State passed a resolution stating they were going to protect this, he believed their elected officials would hear it and they would protect it.

Alderman Davis stated he had no idea what was factual and what was not.

Alderman Zurcher stated that a lot of the information he had received was from conservation groups web sites.

Alderman Santos stated he could support the resolution, however, he had to question why they were discussing this. Were they really helping by discussing this at the city council level. What good did they hope to do and where did they stop. There were a million good things that could have resolution support. Were they representing their constituents? Was it their place?

Alderman Zurcher stated there was a House Bill, HR4, which had now moved on to the US Senate. It was an energy bill. What they were trying do was to attach this onto any part of the economic stimulus package. He felt it was their place.

Alderman Santos moved to pass the resolution. Alderman Zurcher seconded the motion.

Mr. Don Nelms, an area resident, stated he was on the Board of Directors of the Audubon Society in the State of Arkansas. He personally felt very strongly that he would hate to see drilling in this national refuge. His concern was that this would be the first step in drilling in other national parks and refuges. He thought it was important and he did not disagree with the intent of this. He had personally contacted Blanch Lincoln's office. She might be the swing vote. That was the person that they needed to be convincing. He felt this was a bad precedent for the city and that it was a bad idea. He suggested that they stop these things by not voting for this. This was inappropriate. They had a lot of issues in front of this city that needed to be attended to. They had a specific job and in order to accomplish things they needed to be focused. They needed to focus on the things that they could really do something about. They needed to do everything that they could within their own personal power first.

Alderman Thiel stated she was in agreement with Alderman Zurcher, but it was inappropriate for them to advocate a position on this. They were elected to represent citizens of Fayetteville and she did not know if they would be doing that if they voted for this. She thought it would be appropriate for them to ask citizens to advocate their positions. She had only heard from two people today and both of them were opposed to this for totally different reasons.

Alderman Zurcher stated having worked with Blanch Lincoln was that she did not respond to grass roots encouragement. What she responds to most was grass tops, important people. That was why he felt the City Council's vote was so important. In Arkansas they tended to not see beyond their own noses. These issues did affect them and until we realized that we would remain a State that was behind in on a lot of lists. Progress was going to be slow until they could grasp the big picture.

Upon roll call the motion failed by a vote of 4-4-1. Davis, Reynolds, Thiel, and Trumbo voting nay. Mayor Coody abstaining.

HIRING FREEZE

Alderman Young moved to suspend the rules and to add a new item to the agenda. Alderman

Jordan seconded the motion. Upon roll call the motion carried unanimously.

Alderman Trumbo read the resolution to freeze the number of employees at the current level until the city could balance their budget.

Mr. Williams stated there are three officers which had been authorized by the City Council, but were not on the pay roll. It was his understanding that if there was a staff position which was already budgeted and approved that would fall within this resolution, therefore the Police Department would still be able to hire those individuals.

Alderman Young asked if this only applied to the Police Department and were there any others in the city like this one.

Mr.Williams stated he thought those were the only staff positions that have not had someone in them previously.

Alderman Thiel asked what they meant by previous authorized.

Mr. Williams replied they were authorized and funded.

Alderman Davis asked if Alderman Young's concern was that in April or May they had approved some hiring and not all of those positions were filled yet. Was he not wanting anyone to accept those positions.

Alderman Young replied yes, that was one of the things on his mind. He suggesting a staffing freeze, then if someone left and it was necessary to fill it, then it would be brought back to the Council to replace them.

Alderman Santos stated he would like it. He quoted from the resolution, "number of city employees will not increase from existing levels until the City of Fayetteville must no longer use its reserves to pay its expenses".

Mayor Coody stated every week they had people coming and going. So every two weeks they would be bringing to them a dozen or so entry level positions.

Alderman Young stated that might spotlight some of the problems in the city, if they had that many people coming and going.

Mayor Coody stated he had sent out a memo stating they were not going to increase the number of Full Time Equivalent positions.

Alderman Young stated the Engineering position was not an entry level position. One of the discussions they had a couple of weeks ago was laying people off. Did they want to do that or did they want to question when people left if they needed to replace them. That seemed to be easier to him than to lay people off.

Alderman Jordan stated he had been through three hiring freezes at the University. When they did a hiring freeze, when that position becomes vacant, it stayed vacant. They then made the decision on whether that position is essential or not. If they did not feel that it was essential then it did not get filled. He agreed with Cyrus on this that if someone left then they needed to look at that position to see if it was essential, then they could take a vote and make decision. That was better than laying off people. He would not support people losing their jobs.

Mayor Coody stated he did not support anyone losing their job. They were in the middle of their budget process now. They were eliminating three positions. In 2002 they should have fewer positions than they do now. They had planned to leave some of the positions vacant. They have already de-funded them. They were going to leave them vacant.

Alderman Young stated that matched what he said. They needed to just do the first sentence. "Staffing Freeze".

Mr. Williams stated what they did with the budget was that they authorized a certain amount of money to be spent and they authorized the number of positions. It was the mayor and his staff that through the years hires people to replace people that leave. That was the mayor's position. The mayor was to be the executive of the city. The resolution that was presented, stated that they could not have more employees than they have now. They were not going to grow their employees any more. That was a very appropriate thing for this City Council to do. That was a legislative policy decision. How that decision is executed was the mayor's job. The Council needed to set limits, but not over step their boundaries.

Alderman Young stated they thought they had a hiring freeze in August, but more people have been hired. What was the deal?

Mr. Williams stated those positions had been previously authorized by the City Council.

Alderman Young stated he was playing with words, were they going to have a hiring freeze or not.

Mayor Coody proposed that they keep 646 full-time equivalents for next year. Between 1992 and 2001 the City of Fayetteville had hired 248 new employees and the Council approved every one of them. If they would let them try and paring this number down and be financially responsible. They wanted to take the existing number and try and reduce it and not increase it.

Alderman Reynolds stated the mayor needs to be able to hire hourly employees to run the city. If they wanted to freeze salaried employees, then they needed to do that. If they needed drivers down in Solid Waste, they needed them in two hours and not two weeks. If they wanted to put a freeze on the mayor hiring salaried employees then that was what they needed to state and go on with this thing.

Alderman Santos stated he did not believe that it mattered if they were hourly or salaried. He thought they could keep all the wording in the resolution. Which stated, "replacement employees may be hired to replace departing or retiring employees but no new staff position can be filled even if the staff position was previous authorized. It was the intent of the city council that employees will be terminated because of budget problems, but also that the number of city employee from existing levels *without city council approval* until the City of Fayetteville must no longer use its reserves to pay for expenses. That way the administration could continue to operate to replace people who depart or retire, but to add any new position would require city council approval.

Alderman Young asked if he was going to make that a motion.

Alderman Santos replied yes. Alderman Young seconded. They were going to stay where they were at, they were not going to add any new positions. They would replace people in existing positions. If they needed to add a new position, they would have to justify it to the council. Upon roll call the amendment passed unanimously.

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

RESOLUTION 156-01 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

SOLID WASTE: Discussion of Recycling / Solid Waste Program evaluation and recommended system improvements.

Mr. Gary Dumas, Utility Services Director, gave a power point presentation on solid waste system recommended system improvements. He stated the Fleet was aging and was ready for replacement. The decision they made on the fleet was going to affect how they handled residential solid waste for the next decade or so. His perception was that there was a need to improve the volume based program. That was the entire premise of this concept. Secondly, there was a need to address escalating workman's compensation. What they were trying to do was to address the turnover on the residential trash side. The drivers and route workers turn over quickly. The commercial side, where the workers primarily drive a truck, they were paid a liveable wage. It was not back breaking work. They had some very long term employees there. They were trying to create that on the residential side also. They were also trying to address the rising cost of trash. They had to find ways to minimize the rising cost of labor, medical expenses and equipment expenses. The options they had were to continue the operations that they had now and modify the existing volume based program by selling the trash bags at retail. Or they could go to an automated cart program. They could also expand the revenue generating capabilities of the system. He explained the difference between their existing manual system and their proposed automated system. He discussed their current rate structure and several other options which had been presented in their rate study. He also presented the results of their cart pilot program, which had been successful. He explained they were considering several new operations such as the roll-off compactor container for the larger commercial businesses and industries. They were currently unable to provide previously. Most cities don't provide that service, but they did have the equipment to service them at the transfer station. They could easily move into this on a gradual bases. It could build a very important revenue stream. He presented graphs and charts illustrating the difference between the current system and the proposed cart system.

Alderman Davis requested that they look at this at the last meeting in December to give people time to look over the information.

The meeting adjourned at 8:45 p.m.