Meeting Minutes
City Council Meeting
June 1, 2004

A meeting of the Fayetteville City Council was held on June 1, 2004 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

PRESENT: Alderman Reynolds, Thiel, Cook, Marr, Rhoads, Davis, Lucas, Jordan, Mayor Coody, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Mayor Coody called the meeting to order.

Alderman Rhoads was absent during the roll call only.

CONSENT:

Approval Of The Minutes: Approval of the May 18, 2004 meeting minutes.

The minutes were not complete and therefore they were pulled from consent by the City Clerk.

Landscape Forms Contract: A resolution to approve a purchase order with Landscape Forms, Inc. for 15 benches and 50 litter receptacles for the amount of $46,256.95 and to approve a budget adjustment of $35,000.00.

Resolution 81-04 as Recorded in the Office of the City Clerk.

Crossland Construction Library CO #15: A resolution to approve Change Order #15 in the amount of $100,000.00 to fund signage (interior and exterior) in the Crossland Construction Company, Inc. contract to build the Fayetteville Public Library.

Resolution 82-04 as Recorded in the Office of the City Clerk.

2004 Community Development Block Grant: A resolution to accept the 2004 Community Development Block Grant in the amount of $761,000.00, to approve the 2004 Funding Agreement and to approve the 2004 Consolidated Action Plan.

Resolution 83-04 as Recorded in the Office of the City Clerk.

Scott Construction Excavator Purchase: A resolution to approve the purchase of a Gradall Excavator from Scott Construction Company for the low bid of $260,470.00.

Resolution 84-04 as Recorded in the Office of the City Clerk.

Teeco Safety, Inc. Taser Purchase: A resolution to award a bid in the amount of $34,830.06 to purchase twenty tasers from Teeco Safety, Inc.

Resolution 85-04 as Recorded in the Office of the City Clerk.

The City Clerk asked that the minutes be pulled from the consent agenda.

Alderman Jordan moved to approve the Consent Agenda as read with the minutes pulled. Alderman Davis seconded the motion. Upon roll call the motion passed unanimously.

OLD BUSINESS:

Water Service Agreement with Springdale: A resolution to approve an amendment to the water service agreement with Springdale to move the water service boundary so that 180 acres now with the Fayetteville Water Service Area can be moved into the Springdale Water Service Area. ***This resolution was tabled at the May 18, 2004 City Council meeting until the June 1, 2004 City Council meeting.***

Alderman Cook moved to amend the resolution. Alderman Reynolds seconded the motion. Upon roll call the motion to amend the resolution passed unanimously.

City Attorney Williams briefly explained that the amendment to the resolution stated that the resolution to approve this agreement was contingent upon Springdale's Water and Sewer Commission accepting the 180 acres in order for this development to go forward.

Alderman Jordan moved to approve the amended resolution. Alderman Davis seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 86-04 as Recorded in the Office of the City Clerk.

ANX 04-06.00 (Leigh Taylor Properties): An ordinance confirming the annexation to the City of Fayetteville, Arkansas, of certain property owned by Leigh Taylor Properties, LLC for property located at 2470 Hwy.112 containing approximately 29.86 acres. ***The ordinance was left on the first reading at the May 18, 2004 City Council meeting.***

Dawn Warrick, Planning: The applicant has submitted a request that this item be withdrawn from consideration by the Council.

Alderman Jordan moved to table the ordinance indefinitely. Alderman Davis seconded the motion. Upon roll call the motion to table passed unanimously.

The ordinance was tabled indefinitely.

VAC 04-10.00 Right of Way (Paul Dunn): An ordinance approving VAC 04-10.00 to vacate and abandon a 25' portion of the platted right of way for Rebecca Street east of Vinson Avenue along the north boundary of Lot 8 of the Vinson Subdivision, retaining a utility easement within subject property as depicted on the attached map and legal description. ***The ordinance was left on the second reading at the May 18, 2004 City Council meeting.***

Alderman Davis moved to suspend the rules and go to the third and final reading. Alderman Reynolds seconded. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

Dawn Warrick: This is a portion of a platted right-of-way. It is east of Vinson Ave., and part of Rebecca Street. The applicant proposes to vacate a 25' strip of this right-of-way adjacent to their single-family lot in order to provide additional lot width which is necessary for the construction of a single family home. A portion of this connecting right of way would be very steep if the street were to be built.

Alderman Thiel stated that she had wanted to leave this on the second reading until this meeting to make sure the public had an opportunity to respond. She had not heard from anyone at this time.

Mayor Coody opened the floor for public discussion. There was no public comment.

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

Ordinance 4578 as Recorded in the Office of the City Clerk

NEW BUSINESS:

R-PZD 04-06.00 (John Nock): An ordinance establishing a Residential Planned Zoning District titled R-PZD 04-06.00 located on Rupple Road south of Wedington Drive containing approximately 41.70 acres, more or less; amending the official zoning map of the City of Fayetteville; and adopting the Associated Residential Development Plan as approved by the Planning Commission.

Mr. Williams read the ordinance.

Dawn Warrick: This request is for approval of a Residential Planned Zoning District, so we are looking at a development proposal which is combined with a land-use request. The current zoning on this property is split – RSF4 (Single Family, 4 units per acre) and RT 12 (2 and 3 family, 12 units per acre). The current density allowed on this property, with those two zoning districts, is 301 units. This proposal is for a mixture of single-family and duplex units consisting of a density of 6.24 dwelling units per acre. The actual yield on this project is 41 units fewer than what would be permitted on the current zoning of this existing tract of land. The property is located immediately west of the Boys & Girls Club and south of the new fire station site on Rupple Road.

Alderman Reynolds asked if the planning division was satisfied with the street connectivity in this project.

Dawn Warrick: Ms. Warrick stated that there was very adequate connectivity being provided by this project. Staff is recommending in favor of this project with several conditions of approval.

Alderman Davis expressed his concern with the width of the streets in this development. He wanted to make sure the streets are wide enough, with parking on both sides, for an emergency vehicle to pass.

Dawn Warrick: I believe they would be able to pass. The width of a parking stall on either side of the street is somewhere around 8'. These streets are proposed to be approximately 26' feet in width, so there should be adequate width. It would be relatively tight but with two cars on either side, you would still have a ten-foot lane for passing.

Alderman Davis said he thought he recalled that the Planning Commission added an additional foot onto the sidewalk for safety purposes, and he felt the residents would want to be sure that in the case of an emergency, an ambulance or fire truck would have clearance.

Dawn Warrick stated that part of the nature of this type of development is that access to the homes is through alleyways. This is considered a neo-traditional development and there will be alley access to the garage units. Therefore, the residents are encouraged to park in back, off the alleys, allowing the street to serve for visitor parking. Even with the reduction in street width from 28' to 26' for increased sidewalk width, there should be adequate width for safety purposes.

Alderman Davis questioned whether the fireplugs for the fire department to hook up would be in the alleyway instead of being on the main street.

Dawn Warrick said she would have to look at the plans and she would have an answer by the time the applicants completed their presentation.

Alderman Jordan requested the response time for the ambulance service to this area.

Dawn Warrick: The Planning Division has not in the past requested a clocking of ambulance response time. Typically, the fire department is the first responder and many times will get to the site before the ambulance service.

Chris Bosch, Fire Chief, stated that the ambulance service has committed to an average response time of 8 minutes in their contract. That is an overall average. At this time, he was unable to give an actual response time for this particular area. He stated that, once Fire Station 7 is open, the Fire Department response time will be less than one minute. He said the Fire Department is usually the first on site of an emergency and begins patient care when they arrive. He stated that he would get a ballpark estimate of ambulance response time for Alderman Jordan. In response to a question from Alderman Reynolds, Fire Engine #1 is 9 1/2 to 10 feet wide.

John Nock, Developer: All these streets are 28'. There was a discussion in planning that we would narrow them. They are a standard 28', no different from any other street out there. If that solves that question about parking on the street. Plus, we have all the parking in the back, so we actually have twice as much capacity for parking than normal development. So, that should resolve that question. We are not 26', we are 28' feet streets, plus we have the greenspace and a wider sidewalk. So all those things didn't shrink the street, we kept the street at the normal width.

Alderman Thiel wanted to confirm that the width has stayed at 28'. She stated that she understood Dawn to say 26'.

John Nock said he understood the way the Planning Commission had left the discussion was that the developer would have the option of working with Planning and Engineering staff to determine how street and sidewalk width could be best determined. It was determined that the 28' would be best, with regard to drainage and safety issues. In addition, alleyways are being used as a secondary access point for the fire department in some parts of the development. Those service areas have been designed not only for width, but also for strength.

Mayor Coody asked Chief Bosch to check on the actual width of the Fire Engine #1, stating that he thought 10' was pretty wide.

Alderman Cook expressed that he would rather have the foot of sidewalk on either side of the street and ensure the safety of the pedestrian. He felt there is more than enough parking in this development.

Alderman Thiel: According to the Planning Commission, there is not one full parking space per lot.

Chris Brackett, Jorgenson & Associates (Representing the owners) stated that there is not one parking space for a lot along Rupple Road, but inside the development, there is adequate parking. He said they had agreed to widen the sidewalk and also do the wider road. The street will be 28' and the sidewalk will be 5'. They felt this was a safer design. He also stated that the fire hydrants will be located in the front of the homes where the water line is due to the fact that cars will be parked along the alley. That leaves the 28' road for the fire department to use. In response to a question from Alderman Jordan, Mr. Bracken said that in order to fit the sidewalks into the right-of-way, the greenspace will be narrowed. The sidewalks and road will not change.

John Nock: Along Rupple, there are actually three visitor parking spaces for unit. There is rear parking, two cars in every garage, and enough space for two more cars to park, a full 20' width behind the unit, plus you have the secondary parking along Rupple.

Mr. Nock explained that it is desirable to have parking along the streets to slow down traffic. Also, with the Boys and Girls Club and other public spaces, you want to see interaction between the public and private space if there is a big event going on. This creates more of a community feel.

Alderman Cook stated he was curious about how the green space would be affected.

Chris Brackett: There will be a 5' green space and a 5' sidewalk, instead of the 6' and 4'. The sidewalk is kept within the right-of-way due to liability concerns.

Alderman Cook: This is a traditional neighborhood development and pedestrian circulation is as important as vehicular circulation in that design. We want to be sure we accommodate both. I am always in favor of providing more space for pedestrians.

Mayor Coody expressed his appreciation that so much thought went into the design and execution of this development. The staff is looking forward to seeing this project go because it will set a new standard for developments.

John Nock said they had a very good team and the staff had been very helpful. He wanted to make a brief presentation about the project. He stated that a neo-traditional development is basically smart planning for the human experience. It is the ability to not only allow cars to come to and leave a home, but also encourages human interaction. It promotes front porches, rear entry alleyways and access points for services. The front of the homes face the neighbors with walkways and tree-lined streets. Harbor Meadows in Springdale is a local example of this. The handout distributed to the Council includes about 150 different developments across the country that have received some recognition with this type of development.

One of the vision statements of the City of Fayetteville is affordable home-ownership. In order to provide an affordable, good-quality living experience in an urban setting, you have to narrow the footprint of the buildable lot and then include community spaces around it. This development utilizes what is already there – the Boys and Girls Club, the new fire station, etc. It is much more expensive to build this way. Designing it can be a nightmare. But this will be a historic district someday and was designed with that in mind.

Alderman Thiel asked if the petitioners would be doing the building as well as the developing of the project.

John Nock stated that there are select builders that are approved to do this type of product. Those builders have all already been secured.

In response to a question from Alderman Thiel, all the houses will have two car garages, by both design and covenant.

Alderman Thiel: As far as the attainability, that's not something you're going to require; the affordability?

John Nock said that affordability is determined by the market. In his dealings with realtors in the last year and in considering the median income in Fayetteville and the surrounding area, he believes this product will help fill in a gap that currently exists.

Alderman Thiel: Noticed on the original plat that this property is affected by the hundred year flood plain. She asked the staff if the adjacent developments that have been approved are all in the flood plain.

Dawn Warrick: There are several projects in that area that are affected to some extent by the flood plain and quite a bit of vacant property south of the Persimmon corridor that is affected by the flood plain. That is basically the area where Owl Creek is located.

Alderman Thiel: Is Engineering at all concerned about this much pavement?

Dawn Warrick: The Engineering Division reviewed this for compliance with the City's design regulations for drainage, storm water and flood plain and they did find it in compliance.

John Nock: Mr. Nock said that he understood that a very small sliver of the property (about 25 to 30 feet) in the southeast corner of the development was in the flood plain. He indicated on the plan distributed to the Council that that area of the development was identified as Lot 184. There will be no house built on that lot, it is greenspace and will be used for landscaping.

Alderman Davis said that he felt John Nock had done a great job of putting this plan together. He liked the covenants requesting a minimum of 1400 sq. feet of heated and cooled living areas, enclosed garages, all driveways concrete and more. He felt everything would look great.

Alderman Marr asked if the photos of the actual housing designs included in the presentation are indicative of what it is expected that builders will build in this area.

John Nock: With some minor adjustments, these pictures will be very close to actual built homes. They will try to pick materials that would reflect Fayetteville. The lot size does require a certain type of traditional design and planning.

Rick Alexander spoke in favor of the project. He said he is looking at doing similar projects in the area. He feels that both he and John Nock are trying to give a better product on a smaller lot size. They are attempting to incorporate all the items mentioned in the Dover Kohl Plan: higher density, traffic calming, smaller streets, and pedestrian-friendliness. He felt the Council should commend Mr. Nock for this plan. He spoke about annexation and urban sprawl. To avoid urban sprawl, you focus on developing those areas currently within your city limits. In order to do that, you encourage higher density and better product. Developing around the Boys and Girls Club will take advantage of that facility, as well as the new elementary and middle school already there. This is a higher density project meant to address the lack of housing in that price range and the issue of urban sprawl. He feels this project is what Fayetteville needs if it is going to be competitive.

Alderman Thiel: How does the density of this project compare to adjacent developments, such as Cross Keys and Meadowlands?

Dawn Warrick said she did not have a number with her on Meadowlands. There are several fourplexes and duplexes in that project, so the density there will be higher. It is zoned for 12 units per acre. Cross Keys, which was recently approved as a PZD, had around 3.2 units per acre.

Alderman Thiel indicated that she agreed with Mr. Alexander and Mr. Nock about the concept of this development. Her concern is with the location. She felt it would be ideal if it were a little closer in. She wanted to confirm whether the City would be responsible for maintaining not only the streets, but also the alleys after this is built out.

Dawn Warrick I believe the alleys would be set out for maintenance by the property owners association and set in as easements.

Chris Brackett According to initial conversations with the Engineering Division, the alleys will be shown in right-of-ways, so that they will be maintained by the City.

Dawn Warrick: Ms. Warrick said that the alleys would have to meet the design standards of the City transportation department in order to be maintained by the City.

Chris Brackett: In response to a question from Alderman Thiel, the Solid Waste trucks will be using the alleys. The alleys will be designed to accommodate this traffic.

John Nock: We had discussed whether the alleys would be private or public. Part of the discussion was the secondary access point to the fire station, to the north of the project. The petitioners have agreed with the City that those access points will probably not only get the wear and tear from the service trucks, which is the whole idea of having a service alley, but also will serve as a secondary point of entry in the case of an emergency for fire trucks. If the alleys were all maintained privately, the owners could potentially deny access to the fire trucks, which is not the intent of this development.

Alderman Rhoads asked what the homes would price out, lot included, on average.

John Nock: Lot included, anywhere between $115,000 and $149,000. The majority would be in the $135,000 category. It is his understanding that this price point is hardly available in this area.

Alderman Lucas questioned where access to the fire station will be located.

John Nock: Just to the south of Lot 165 in the northeast section, there is an alley that connects off the cul-de-sac that then would go around to the fire station. There is also a connection in the northwest corner, not shown on drawing that will be a direct drive-in to the rear part of the fire station.

Alderman Jordan said he would like to hold this item on the second reading.

Alderman Davis moved to suspend the rules and go to the second reading. Alderman Lucas seconded. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

The ordinance was left on the second reading.

Rupple Row Money in Lieu of Land: A resolution to accept the recommendation of the Parks and Recreation Advisory Board to accept $7,482.75 in lieu of a portion of the parkland dedication requirements of Rupple Row Subdivision.

Connie Edmonston, Parks & Recreation: In 2001, in the Meadowlands Subdivision, the WHM investors gave about 8.5 acres as their requirement. In that, they were only required to give 3.08 acres and they banked the remaining 5.37 acres on future development. Nock Investments purchased lot number 7 and in that, they also purchased the bank of 5.37 acres.

Because this is over 40 acres and over a hundred units, it is required to come before the Council if we don't just take only land. Because we have the park adjacent to the Boys and Girls center, about 8.5 acre park, we request that we accept their banked land of 5.37 acres, in addition to $7,482 in money "in lieu of" as their requirement.

Mayor Coody: Since this item is tied to the previous item, which has not been approved, Mayor Coody stated that this would not be approved at this meeting but asked for any questions or comments from both the Council and the public.

There was no comment.

Alderman Marr moved to table the resolution until the June 15, 2004 City Council meeting. Alderman Jordan seconded the motion. Upon roll call the motion to table the resolution passed unanimously.

The resolution was tabled until the June 15, 2004 City Council meeting.

Annex Islands Containing 180.979 Acres: A resolution to propose an ordinance calling for the annexation of a large parcel of land completely surrounded by the incorporated limits of Fayetteville.

Tim Conklin, Planning Division: On the agenda are resolutions for three groups of annexations. The resolution is a resolution of intent to annex what are called "islands" or areas that are completely surrounded by the corporate limits of the City of Fayetteville. Mr. Conklin explained that this was something identified in 2001 as part of the General Plan annexation policy. This is just the first step in this process. If the City Council does go forward with the annexation of these islands, there will be a public hearing with the property owners within the islands toward the end of June. The item will then be placed on the Council agenda for July 6th.

Mr. Conklin explained that annexing these islands will allow us to have compatible land use and development standards within these area, the ability to plan future capital improvements within those areas, the ability to require the same level of infrastructure improvements as new development occurs within these areas and will avoid confusion with emergency services since these areas are completely surrounded by the City. Residents within the areas will be able to obtain trash services, police protection, fire protection, sewer service if available (they would be responsible to extend any public or private lines) and also solid waste and recycling services.

There are 13 islands that exist within the City of Fayetteville, the largest being the University of Arkansas farm, which is over half of the 1,335 acres at 700 acres. The smallest is a cemetery within an existing development. Along with the annexation, RSF1 (Residential Single Family) zoning is being proposed. An informational meeting was held on May 20. Letters were sent out to property owners. There were some concerns with regard to zoning with some of the non-residential land uses within the area. There were also some concerns expressed about being brought into the City.

Alderman Jordan asked for clarification as to whether those residents who are currently using their property for farming or business would be allowed to continue to do that.

Tim Conklin: Anything that is brought into the City of Fayetteville that is existing would be allowed to remain as a legal non-conforming use. They would have restrictions on expanding those types of uses. But they would be allowed to keep horses or keep their small-engine auto repair business or that type of business.

Alderman Jordan: And we can either bring them in as a RSF1, or if we determine it necessary, we can bring them in as an RA?

Tim Conklin: Yes. You could bring them in as some other type of zoning, other than the RSF1 that is being proposed.

Alderman Thiel asked for clarification about doing all these annexations in one ordinance.

Mr. Williams explained that he had proposed that these annexations be done in three ordinances. There is a rule that if one of the parcels in an annexation ordinance is found not to be proper to be brought in, then the entire ordinance with all the parcels within that ordinance will not be brought in. There could be some question about the University property and one large landowner with property below Highway 16 East who has indicated he might contest the annexation. He felt it would be best to keep those two parcels separate.

There was some discussion about which parcels are included in each ordinance and how the ordinance will read.

Alderman Marr said that the letter in the packet from the attorney representing the owner of the large parcel of land south of Highway 16 East asserts that this property is not an island. He asked Tim Conklin to explain why the City feels it is an island.

Tim Conklin using a zoning map pointed out the location of the property. There are some smaller, remnant parcels off Huntsville Road that back up to this property. The parcel by itself is not completely surrounded by the city limits, but it is within an area that is completely surrounded by city limits. This could be the reason for the confusion over what the state law allows the city to annex within the City. The City has the ability to annex areas that are completely surrounded by the corporate limits of the city.

Alderman Marr asked the City Attorney if he believes this parcel of land meets the legal requirements to allow the Council to annex islands without election.

Mr. Williams: Yes. The statute says, "Whenever the incorporated limits of a municipality have completely surrounded an unincorporated area, the governing body of the municipality may propose an ordinance calling for the annexation of the land surrounded by the municipality." So even though there is more than one parcel in there, it is still completely surrounded by the incorporated limits of the city and therefore, this statute gives you the right to annex that if the other tests in the statute are met.

There was discussion of a bridge in the area being in need of repair and the need for building up a road to access the bridge from both directions. The flood damage was extensive and this could be a multi-million dollar project.

Alderman Marr: Thinking back to times when the Council has talked about the cost of annexations, infrastructure needs, etc. that go with that annexation, I want to be cautious to ensure that there is some benefit not only to the City, but to the landowners that are being annexed.

Karen Stewart: We have the land off Rupple Road that is going to be annexed. I have heard all the comments about it but according to my mother, who is officially the owner, while I am the lessee, we have received no notice whatsoever about any annexation. We have not had the choice to write a letter or anything. The fact is I just heard about it a few days ago.

Mayor Coody asked Tim Conklin if letters had been sent out.

Tim Conklin: The planning division used County records on property ownership and sent out letters to the property owners. They were not certified letters. For the next meeting, the letters will be certified.

Mr. Williams explained that this is a cumbersome process. Before we can actually go forward at all with the annexation, we have to have a resolution and tell the public that we are considering looking at an ordinance. There then has to be a public hearing after publication and the certified letters. Only after that public hearing can it come back to the Council for them to consider the ordinance.

Karen Stewart asked if they now have an additional time period to ask for a certain classification.

Mr. Williams said the public hearing would be a good time to do that, or she could contact the Planning Division at any time and let them know her thoughts and concerns. The Planning Division can then present those concerns to the City Council.

In response to a further comment from Ms. Stewart, Mr. Williams said the state used to not allow agricultural land to be annexed. When the law was changed to allow annexation of agricultural property, a provision of the statute provided that property owners could continue their agricultural pursuits.

Alderman Jordan: I wanted the homeowners to know that I want to be fair in this process. I don't want to shut anyone's farm or business down. Whatever is currently being done on the property, the property owners should continue to be able to do.

Stan Thomas of Mt. Comfort Road expressed a concern about the cost of connecting with the sewer system. He asked if there would be a possibility that the City would bring the lines at least to the property lines to help with the cost of connecting.

Mayor Coody suggested Mr. Thomas speak with the Engineering staff to see what the possibilities might be.

Alderman Jordan moved to approve the resolution. Alderman Lucas seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 87-04 as Recorded in the Office of the City Clerk.

Annex Islands Containing 449.509 Acres: A resolution to propose an ordinance calling for the annexation of several parcels of land completely surrounded by the incorporated limits of Fayetteville.

Alderman Jordan moved to approve the resolution. Alderman Lucas seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 88-04 as Recorded in the Office of the City Clerk.

Annex Islands Containing 704.84 Acres: A resolution to propose an ordinance calling for the annexation of University of Arkansas land completely surrounded by the incorporated limits of Fayetteville.

Alderman Jordan moved to approve the resolution. Alderman Lucas seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 89-04 as Recorded in the Office of the City Clerk.

Raze and Removal 800 S. College: A resolution to approve an order to raze and remove a dilapidated and unsafe structure located at 800 S College Avenue, Fayetteville.

Hugh Earnest, Chief Administrative Officer: Yolanda Fields, Community Resources and Code Compliance has informed me that the individual who owns this property is demolishing it at this time. There are pictures that are evidence of this. I suggest that the Council table the item indefinitely to ensure that the demolition continues.

Alderman Marr: Considering a situation in the past when work would start then stop, I am a little uncomfortable with tabling the item indefinitely. I would prefer some time frame to look at to make sure the work is completed.

Alderman Davis agreed and asked if it would be possible to table the item for 60 days.

Alderman Thiel moved to table the resolution until the August 3, 2004 City Council meeting. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.

The resolution was tabled until the August 3, 2004 City Council meeting.

Amend §171.01 of the Unified Development Code Residential Gates for Subdivisions: An ordinance to amend §171.01 of the Unified Development Code to add new subsection (D) restricting the installation of gates for residential subdivisions.

Mr. Williams read the ordinance.

Alderman Reynolds: Mr. Reynolds expressed his support of this ordinance. He said that a young girl in Rogers lost her life in a fire because of a gated community and he feels good about enforcing this.

Alderman Marr moved to suspend the rules and go to the second reading. Alderman Jordan seconded. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

Alderman Marr moved to suspend the rules and go to the third and final reading. Alderman Jordan seconded. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

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

Ordinance 4579 as Recorded in the Office of the City Clerk.

Repeal Resolution # 156-01 Staffing Freeze: A resolution to repeal Resolution 156-01 which established a staffing freeze for the City of Fayetteville on November 20, 2001.

Alderman Cook stated that he is bringing this forward because he sees staff in the City, especially staff in planning, struggling to accomplish what has to be done. He feels it may be necessary to add more staff if the Council expects projects and assignments to be done in a timely manner. He is not necessarily advocating adding new staff but feels the Council should be open to listening if the staff feels the need is there.

Alderman Davis said he had asked for information from staff regarding the number of paychecks issued in the first payroll of January 2000 and in the first payroll of January 2004. In 2000 there were 601 checks issued. In 2004 there were 674 checks issued. He said this would imply that there was an increase in the payroll of 73 people in that four-year period. He feels that in the budgeting process, the staff should look at their needs and bring that before the Council. He used as an example the need for additional staff to man the new fire station last year. The Council granted that request. He feels that this process is working and doesn't feel there is a need for change.

Alderman Cook stated that it was not his intent to change that process. He just wants to send a signal to the staff that it is okay to bring their needs before the Council. With this hiring freeze in place, he feels the staff may be discouraged from doing that. He does want the Council to have the final approval of any addition of staff.

Mr. Cook asked for clarification regarding the actual number of employees in the City, or FTE's, in relation to the numbers Mr. Davis quoted.

Steve Davis, Financial & Internal Services Director said that counting paychecks is not an accurate method of counting employees. He said that the count was reasonably accurate, but the City generates separate checks for retroactive merit increases, and employee terminations when sick and vacation are paid out. There are also position vacancies that would not get a paycheck although the position is an approved position. So there would have to be some adjustment in the paycheck numbers to come up with an actual count of FTE's. The FTE translates the labor force to the equivalent of a 40-hour work week.

Alderman Rhoads asked for the full time equivalent numbers for 2000 and 2004 and for the payroll for those two dates.

Steve Davis offered to get that information and put it in the City Council boxes as soon as possible.

Alderman Rhoads: Because I was not here when the hiring freeze was enacted, may I have some history on why the City Administration does not have the authority to create new positions without the City Council approval?

Steve Davis said that to his knowledge, the city administration has never had the authority to create new positions. The head count has historically been approved in the budget process. He explained the history behind using FTE's in the budget process.

Alderman Rhoads asked if all cities across the state of Arkansas approve every position that is created instead of just a budget of dollars.

Steve Davis said his guess is that a number of cities just approve dollars.

Alderman Cook: In response to a question from Alderman Rhoads, my intention with this resolution is simply to send a message to staff that if they feel they need more employees, to make a presentation to the Council during the budget cycle.

Alderman Davis explained that, before the staffing freeze, the Council didn't necessarily know the number of staff the City had until they looked at the budget. Alderman Trumbo and himself were concerned that the City could begin to outspend the revenue coming in and in November 2001 they brought forward the proposal for this hiring freeze so the Council would be in full knowledge of who was being hired and for what purpose. He said that every time a legitimate request has come before the Council, it has been granted. He questioned why the system should be changed.

Alderman Reynolds asked Mayor Coody if there is a division within the City that is trouble and if so, why the need hasn't been brought to the Council.

Mayor Coody: While staff has made great strides in efficiency and productivity in the past several years through reorganization and change in management policies, the city is growing at such a pace that the staff will not be able to continue to keep up. He used as an example the record number of building permits coming through the Building Safety division. He stated that staff has only lately reached a sort of bottleneck situation where the amount of backlog overwhelms the amount of people that we have.

Alderman Reynolds asked the city attorney if repealing this resolution will make a change in the way the city does business.

Mr. Williams said that the staffing freeze would be over, but obviously the City Council would still have to approve any new staff, either at budget time or in between budget cycles.

Alderman Marr said that when a Council passes a resolution that says they are establishing a hiring freeze, it should be a very strong message that you don't expect to see new head count. So he feels that staff in city divisions do feel they shouldn't ask for new staff based on the resolution of the City Council. He feels that the resolution being brought forward says the Council wants to make a philosophical change in the perception that was presented by the hiring freeze. It is a message to employees about how they might plan for their capital resources. With 80 percent of our expenses being head count related, the Council has an obligation to look at number of staff in the budget process. But with revenue going up and duties increasing, the staff should feel comfortable coming before the Council with legitimate needs. The Council still has the ability to lock in the head count with the budget. He also stated that he feels there needs to be more trust in the department heads and directors and at least be open to hearing their plans. He feels the staff is doing a good job of keeping the head count under control and feels this would be a philosophical change indicating to the staff that the Council wants to hear if there is a need to add staff. We are in a more vibrant economy and are a growing city and there are things that we need to evaluate. It does not change the Council's ability to ask questions.

Mayor Coody said that the staff has created a track record that warrants trust. Looking at the work being done with the amount of people doing it, it is clear that they have earned trust. This resolution is symbolic, it doesn't really change the way the city does business, but it will send a message that the Council is willing to look at staff additions as the situation warrants.

Alderman Marr: Mr. Marr stated that he feels the resolution that was passed in 2001 was fiscally responsible. The situation and economy were very different then. It made the City Council and Administration make some hard choices that allowed for more efficiency. He now feels that it may no longer be appropriate.

There was some further discussion about the merits of repealing this resolution as well as the merits of continuing with the hiring freeze.

Alderman Lucas stated her agreement with Alderman Marr's statements. She thinks it is a good message to send to staff that if they need help, let the Council know.

Alderman Marr wanted to be clear that removing the staffing freeze does not change the Council's desire to be fiscally responsible. That is of utmost importance any time they look at a new service. But for the services we currently have, we want to make sure that we have the proper resources to deliver them.

Alderman Lucas wanted everyone to remember that the division heads who are looking to add more people have to justify their requests all the way up the chain of command. Any request will be scrutinized all the way up to the mayor before it is brought to the Council, which should eliminate a lot of unnecessary requests before the Council.

Alderman Cook moved to that the resolution be approved. Alderman Marr seconded. Upon roll call the motion passed. Aldermen Jordan, Thiel, Cook, Marr, Rhoads and Lucas voted for the resolution. Aldermen Reynolds and Davis voted against the resolution.

Resolution 90-04 as Recorded in the Office of the City Clerk.

Meeting adjourned at 7:55 pm

Sondra E. Smith

Sondra Smith
City Clerk