

**City Council
Meeting Minutes
September 7, 2004**

A meeting of the Fayetteville City Council was held on September 7, 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, Odom, 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 until the Consent Agenda.

Alderman Marr moved to add the Nominating Committee report to the agenda. Alderman Jordan seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent during the vote.

Alderman Marr moved to ratify the Fayetteville Housing Authority's appointment of Richard Royal to the Fayetteville Housing Authority Board of Commissioners. Alderman Cook seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent during the vote.

Alderman Jordan moved to appoint Alderman Don Marr to the Advertising and Promotion Commission. Alderman Lucas seconded the motion. Upon roll call the motion passed 6-0. Alderman Rhoads was absent during the vote. Alderman Marr abstained.

CONSENT:

Approval of the Minutes: Approval of the July 27, 2004 Tax Increment Financing (TIF) Public Hearing minutes and the August 3, 2004 City Council meeting minutes.

Mailco USA, Inc. Contract: A resolution to approve the low bid for a mail processing contract from Mailco, USA, Inc. for an estimated amount of \$261,670.00.

Resolution 127-04 as Recorded in the Office of the City Clerk.

Department of Homeland Security Fire Prevention Grant: A resolution authorizing the Fayetteville Fire Department to apply for a Department of Homeland Security Fire Prevention and Safety Grant in an amount of approximately \$200,000.00 for enhanced fire prevention programs.

Resolution 128-04 as Recorded in the Office of the City Clerk.

Amber Drive Drainage Improvements Contract with Cando, Inc.: A resolution to approve a construction contract with Cando, Inc. for Amber Drive drainage improvements in the amount of \$71,703.40, plus a contingency of \$15,755.51.

Resolution 129-04 as Recorded in the Office of the City Clerk.

Purchase of One 4x2 Crew Cab Truck for Parks: A resolution approving the purchase of one (1) 4x2 Crew Cab Truck with dump body from North Point Ford of North Little Rock in the amount of \$36,292.00.

Resolution 130-04 as Recorded in the Office of the City Clerk.

Purchase of One F-550 4x4 Truck with Crane for Water & Sewer: A resolution approving the purchase of an F-550 Extended Cab 4x4 Truck from Ron Blackwell Ford in the amount of \$45,904.50.

Resolution 131-04 as Recorded in the Office of the City Clerk.

Purchase of One Extended Cab 4x4 Truck with Utility Body for Water & Sewer: A resolution approving the purchase of one (1) Extended Cab 4x4 Truck with utility body from Ron Blackwell Ford in the amount of \$39,105.42.

Resolution 132-04 as Recorded in the Office of the City Clerk.

Purchase of One 4x4 Truck with Van Body for Water & Sewer: A resolution approving the purchase of one (1) 4x4 Truck with Van Body and Television Sewer Line Inspection Equipment from SWECO in the amount of \$169,450.00; and approving a budget adjustment in the amount of \$116,000.00.

Resolution 133-04 as Recorded in the Office of the City Clerk.

Purchase of Two 4x2 Crew Cab Trucks with Dump Bodies for Transportation: A resolution approving the purchase of two (2) 4x2 Crew Cab Truck with dump bodies from North Point Ford of North Little Rock in the amount of \$72,584.00.

Resolution 134-04 as Recorded in the Office of the City Clerk.

Ramsey, Krug, Farrell & Lensing Contract: A resolution approving a contract with Ramsey, Krug, Farrell & Lensing, in an amount not to exceed \$29,280.00 to provide insurance brokerage services to the City of Fayetteville.

Resolution 135-04 as Recorded in the Office of the City Clerk.

Laureate Fields Subdivision Park Land Dedication Waiver: A resolution to approve an agreement to accept lesser dedication of park land from Old Towne LLC in lieu of its development of its dedicated three acre Neighborhood Park.

Resolution 136-04 as Recorded in the Office of the City Clerk.

Alderman Jordan moved to approve the Consent Agenda as read. **Alderman Reynolds** seconded the motion. Upon roll call the motion passed unanimously.

OLD BUSINESS:

Arkansas Highway & Transportation Department Highway-265 Improvements: A resolution expressing the intent of the Fayetteville City Council to participate with the Arkansas Highway and Transportation Department on improvements to Highway 265 from Highway 45 to the northern City limits.

Alderman Thiel stated that the Council had just received a summary of the city wide traffic and transportation study and implementation recommendations. She asked for an explanation from staff of how the Council can adopt both that study and the costs associated with it and this resolution. She wondered how they could both be funded.

Mayor Coody said that decision would be up to the City Council. He said there were several options available and those options could be discussed any time the Council wants to discuss them. Options include use of Amendment 78 monies, asking the voters to reauthorize the ¼ cent sales tax that is currently going to the County jail construction or sale of land owned by the City. He said there were plenty of funding options available. He stated the decision would only be made after a great deal of public input.

Steve Davis, Director of Finance and Internal Services mentioned other possible options: capping the sales tax growth for existing planned projects and dedicating any sales tax growth that we have for capital projects to a specific project. Any increase in investment earnings that might accrue over a period of three or four years could be used to build a sum of money to pay for this project.

Mayor Coody opened the floor for public input.

Fran Alexander asked the Mayor to outline the process for how the public will have input with the Highway Department and with the City about the extension of Highway 265. She felt that the design was very important.

Mayor Coody stated the City has developed a good working relationship with the Highway Department over the past few years. He used Gregg Street from Johnson to Township as an example of how public input has impacted the design of a State highway. He stated that City staff worked with the Highway Department staff to modify the original design of that highway, adding green space and an 8 foot sidewalk. Two public hearings were held with that project and Mayor Coody felt that the Highway Department would likely have at least that many hearings on this project.

Fran Alexander asked if there was the possibility of giving the public several months' notice to prepare input for the Highway Department before the public hearings. She felt the Department had already pretty much made their decisions by the time public hearings were scheduled. She felt the public should have earlier input. She asked for a schedule of meetings up front so the public can figure out how to go through the process.

Tim Conklin said his staff has developed a good working relationship with the Highway Department. Planning has been pushing for boulevards and streets that meet the City's Master Street Plan and street standards, with wider green strips and sidewalks. Typically he said the Highway Department will have a series of public hearings. He said he can work on getting out the information to the citizens once the Highway Department notifies his office. The City can also ask for more lead time to make sure everyone is aware of what is going on.

Linda Ralston asked a question regarding the expansion between Highway 45 and Highway 265 and why it was done the way it was done.

Mayor Coody asked if anyone on the Council was involved with City government at that time who might have a memory of this project and why it was done as it was done.

Alderman Odom said he had a very vague recollection of the process and believed that the City had very little input on how it was done. The Highway Department made the decisions.

Alderman Lucas asked if this resolution would bind the Council to come up with the money if none of the possible funding options could be implemented.

Mayor Coody said it is his understanding that a resolution is simply a statement of intent and does not bind the Council.

Kit Williams: A resolution to pass a contract would bind the Council but this is simply a resolution of intent and is not binding. It is not something you want to do if you are not intending to do it. It expresses your intent.

Alderman Lucas: Voiced her concern with other streets that are higher on her list of priorities than Highway 265.

Mayor Coody said we do not have to choose between Highway 265 and everything else.

Alderman Cook said he struggles with Highway 265 being tagged as a bypass because it is not a true bypass. There will be multiple curb cuts and cars pulling onto the highway with the traffic continuing to be heavy. He said he doesn't want to abandon the idea of a true eastern bypass. He feels this is a very expensive Band-Aid for the problem of access on the eastern side of town.

Mayor Coody: This would act simply as a temporary eastern bypass, alleviating some of the through-town traffic now going through neighborhoods to reach I-540 to go north or south. A true eastern bypass will definitely have to be a State project.

Alderman Cook agreed with the Mayor's comments but said that every plan starts with an idea and if you don't push the idea, it will never happen. He said he would feel much better about the Highway 265 project if it could be made into a boulevard.

Mayor Coody stated that he hoped to be able to work with the Highway Department to eliminate the "suicide" lane concept.

Alderman Rhoads moved to approve the resolution. **Alderman Odom** seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 137-04 as Recorded in the Office of the City Clerk.

NEW BUSINESS:

SouthPass Development Company Purchase Option Transfer: A resolution authorizing the Mayor to execute an agreement with SouthPass Development Company to accept 200 acres of park land, a 10 acre water tank site, one million dollars for park land development and other consideration for the City's acceptance of ownership of a 33 acre landfill.

Mayor Coody explained that this is only a resolution. There are some contingencies and the contract is not being signed tonight.

Alderman Lucas asked if the City is going to spend money to survey the property before everything has been settled.

Gary Dumas: The City will be responsible for surveying the 200 acre park once the developer has retained their master planning consultant, working with the City to define what the perimeter will be. The City will also be responsible at some point to cover the survey expenses for the 800 acre parcel.

Alderman Lucas: That being the case, if the Greenland School District does not agree to allow the parcel to be transferred to the Fayetteville School District, would the developer not have to give the City the \$1 million for the park and we wouldn't get the 200 acres?

Gary Dumas: The City would want to wait to do the surveying until some of those earlier contingencies are resolved.

Alderman Lucas said so we won't spend any money until those contingencies are resolved is that the game plan? She thinks this is a wonderful idea, Ward 4 needs a park and it would be good for the City, but she is concerned about the school district issue and that that issue may keep us from getting the property for the park.

Gary Dumas: The school district issue is a major issue and the developers are well aware of that. The City won't go forward until that is resolved.

Alderman Rhoads said he thought he was hearing two different things. He asked if the City will survey.

Gary Dumas: The City will be responsible for the survey, which will cost something less than \$50,000.

Alderman Rhoads asked if the City can waive contingencies.

Kit Williams: The City and the developer can mutually do that, but this is basically the developer's requirement not the City's so it would be up to the developer.

Alderman Reynolds asked if the City is going to make any move on the project before we find out if we will be getting the \$1.5 to \$3.5 million cleanup fee from ADEQ.

Gary Dumas: Staff has been in contact with ADEQ today and they indicated that funding is available and there would be no requirement for either the City or the property owner to refund the post closure trust fund. However they have indicated that they will not provide that assurance to us, as a third party, in writing. They explained that their legal counsel is the legal Counsel for ADEQ and not for the property owner or for the City. The City Attorney will be in contact with them and we may have more information later.

Kit Williams said he plans to write to their legal counsel with his interpretation of what the statute means in the matter of whether or not the City or the owner would have to repay the \$1.5 to \$3.5 million. He said that his interpretation is that we would not have to repay the amount but he wants to make sure that ADEQ's legal counsel agrees to that in writing before the City goes forward. He thinks they will respond. If they do not, he recommends that the City ask for an opinion from the Attorney General.

Alderman Cook had several constituents ask him about the landfill. He asked for information about the current situation with the landfill, what the corrective actions will be and whether the City might be liable in the future if something comes up that we don't foresee at this time.

Gary Dumas: ADEQ will be preparing a plan for what the remedial action will be for the landfill. The early indications in the Terracon report were that corrections would be made along the stream that runs through the landfill and a recapping. The magnitude of that recapping is something that ADEQ will have to determine. The remediation to the creek could be some type of channelization or a rerouting of the creek around the landfill. ADEQ's specialists will have to determine how they want to spend the money.

Mayor Coody said that the running water is not so much a creek as it is wet weather drainage.

Kit Williams: One of the things the City is bringing to the table in this agreement is potential future liability for this landfill. I hope the City will never face that though we may face it even without the agreement since it is City of Fayetteville trash in the landfill. At this point it looks like the Post Closure Trust Fund will be able to pay for the entire fix and not have to come back to the City to get money back. I want to make sure of that before I say more. The developers don't want to own the landfill. The proper owner for the landfill would be the government because we can do the best job of making sure it continues to not be a threat to the community. I believe this is one of the major things the City brings to the table with this agreement and it is why we are getting 200 acres for free and \$1 million for the park. The landfill was only open a couple of years and was closed in 1976, for the last 28 years it has been sitting there and now needs remediation. I can't say that more remediation might not be necessary in another 30 years and I can't say who would be responsible for that remediation at that point.

Alderman Cook: The Terracon report did not say anything negative; it sounded fairly good.

Gary Dumas: The only material in the landfill is normal municipal garbage and they found no indication of anything more there. Since it has been fairly stable this far and if the State does corrective actions at this time, there is a likelihood that there will be no other action required. But there is also the possibility that there could be some methane gas or other issues that would have to be dealt with just as with any landfill.

Alderman Cook has also been asked what will happen to the rest of the parks system if this amount of money is used on this park.

Gary Dumas: This will be a major addition to the parks system and with any major addition of any infrastructure element, whether it's new subdivisions and streets or police and fire there is going to be a cost. The initial revenue that has been identified would be the revenue that is currently spent for maintenance of the Lewis Soccer Complex. That money will be available for transition when the complex is returned to its current owner. There will be other funding issues that will have to be addressed as the park is developed through the various stages over the next 4 to 7 years.

Mayor Coody: Where would the funds come from the Park Development Fund?

Gary Dumas: Park Development funds will probably not be sufficient to develop the park completely in the 4-7 years timeframe. The operational and maintenance funds cannot come from Parks Development.

Mayor Coody: But if we had a ten year time span, it would be easier to absorb over time. The other factor is this would be able to handle regional competition and would generate income.

Alderman Cook asked if the City is still in a match situation if we get \$1 million will we have to match that with \$1 million.

Gary Dumas: The contract as written says we will spend what is available in the Parks Development Fund through 2005. In the currently adopted CIP for 2004-2008 \$1.62 million is in this fund right now. There will be some expenditure from that, probably around \$50,000 for the survey.

Alderman Cook: So we are dedicating \$1.62 million dollars not just a million dollar match we are dedicating \$1.62 million?

Gary Dumas: It is money that is already in the adopted CIP.

Mayor Coody opened the floor for public comment, asking that comments be kept brief so that all would be allowed to speak. He encouraged civility from all parties.

Sharon Davidson stated that she is in favor of a community park and thinks that the Cummings property is a good piece of property for a lot of reasons. However, she asked the Council to not move forward with this particular SouthPass proposal. She does not believe this is the appropriate way to go with this developer. She does not want to use Wilson Springs money for roads and suggested using the money instead to purchase this property. She feels the whole process has been tainted and spoke of her concerns about the bid process and how she feels it has been handled.

Spencer Scarborough a lifelong resident of Fayetteville and asked the Council to do what it takes to get a community park like this. He thinks this proposal is a win-win situation. He feels this will increase property value on the land, which will bring more taxes into the schools. The creation of the park itself will benefit the health of both youth and adults.

Bill Ackerman encouraged the Council to afford this project due diligence but feels they should take advantage of this proposal. He said that the opportunity to get 200 acres in one tract located as well as this tract is located is almost impossible. He served several years on the Parks & Recreation Advisory Board and they never had an opportunity to acquire this kind of tract of land. If 200 acres had become available, the cost would probably have been cost prohibitive. He feels that partnering with someone under these favorable conditions is a win-win situation for the City, State and the community as a whole and it is important to take advantage of the opportunity.

Kathy McGuire-Bouwman a citizen watchdog she feels that most citizens would not know what is going on from the way the resolution is worded. She feels the resolution should say "would we like a park in exchange for a south side school surrounded by 500 acres of new housing development as well as the infrastructure needs that go with that." She also questioned the legality of something she read in the paper that said the parks board had spent several hundred dollars in postage asking families of youth soccer players to attend this meeting tonight. She said there are people who don't think it is an advantage to have a million new cars coming into our quiet town for these mega-sports events. There are two sides to this and though she isn't sure whether she is for the park or not, she feels both sides should be heard.

Linda Ralston asked when it was decided that we needed a huge community park.

Mayor Coody: In 2001 the City completed the Lose & Associates Parks Master Plan for the entire city. One of the top recommendations was a large multi-use park for consolidated sports fields, etc. This master plan came after many public meetings and a lot of public input.

Linda Ralston said she is concerned about this park, particularly because she doesn't believe the public has been told enough about what is going on. She questioned whether a school will be included in the plan. She asked what the term "other consideration" in the resolution really means.

Kit Williams: The term includes all the contingencies in the plan. He didn't want to put all the contingencies in the resolution because it would make the title too long. If the Council passes this resolution tonight, they will be authorizing the Mayor to sign the contract. However, the contract has at least five contingencies before it is really effective and can get under way. The first contingency is approval of a Master Plan for the entire 800 acres. This Master Plan must be approved not only by the developers but also by the City Council, at that point in time the Council and the public will know exactly how this land will be developed.

Mayor Coody said he doesn't believe that the question of moving this property into the Fayetteville school district has the intent of building a school out there. He said he thinks the developers want the property in the Fayetteville school district because it is easier to sell homes in that school district than it is in the Greenland school district. If the school system wants to build out there, that will be between them and the developers.

Donna Williams indicated that she is for any kind of reasonable plan that will continue to grow the parks system in this area.

Jerry Patton said this is a great idea and encouraged the Council to carry on with it. There has been tremendous growth in Fayetteville and the region and that growth will continue. We need a

great community park. The planning and vision that have brought the City to this point are good. He encouraged the Council to pass the resolution and make this a reality.

Phillip Watson, president of the local Ultimate Club said he feels good points have been made tonight. He particularly agrees with the point that 200 acres of parkland all together in one area is a huge bonus for the City. He and his organization are in support of this project.

Barbara Moorman: Stated she has nothing to say against the idea of a park but feels it is wrong for the Parks Board to lobby for this particular arrangement. She disagreed with the term "gift" on a brochure sent out to members of the public; she said this is not a gift. The City will be taking on a huge liability and will make the taxpayers pay for it. She said the landfill study uses terms such as "not a significant environmental concern at this time" and "appears to be confined" and "evidence of potential impact is not definitive". When ADEQ talks of remediation, they are talking about recapping and channelizing the creek, not diverting it. She feels they are not doing what might be the best way to remediate and are trying to do it for somewhere between \$1.5 million and \$3.5 million. She says the City is doing the property owner and developer a huge unnecessary favor by relieving them of this liability. She questioned how much property would actually be annexed with this project.

Mayor Coody: The total property is about 800 acres, some of that is already in the city leaving about 500 acres to be annexed. This is just an estimate.

Barbara Moorman said the City is committing themselves to a large subdivision and all the cost of roads, sewer, etc. She feels that if this resolution is approved, the rest of the process will just be de-facto. She questioned if this developer has anything in his past that has been successfully completed. She discussed her perception of what the Council will be agreeing to with this resolution. She urged the Council to table this item until they have something to vote on that gets as much as it gives away.

Mayor Coody clarified that the Post Closure Trust Fund is made up of a portion of the fees collected when cities or individuals take loads of waste to a landfill. This is the money that is earmarked to clean up the landfill.

Fran Alexander asked if the public is going to receive an outline of hearings and discussions that will take place about this park. When can the public ask questions? She questioned whether 200 acres would really be enough land to incorporate all the ball fields and still be a true community park. She wondered if the City will have outgrown the park by the time it is developed. She again asked what the process is for the public.

Mayor Coody: In the Lose and Associates study they stated that the City would need 110 to 150 acres. This is 200 acres so that should provide for some expansion. This will not be just ball fields but a multitude of uses, some passive and some active.

Susan Porter asked how the quadrants are established and what the boundaries are on the southwest quadrant of the parks.

Connie Edmonston, Director of Parks & Recreation said that several years ago the City was divided into four quadrants. Highway 71 basically divides the east from the west and Highway

16 East and 16 West basically divide the north and the south quadrants. This was determined years ago while developing the Master Plan and working on impact fees.

Susan Porter said she likes parks and voted for the HMR tax. She had several concerns including the sprawl being promoted by annexing land outside the City limits and questioned why such a large area is being discussed. She also questioned whether citizens in this quadrant would like to see the City annex 800 acres and build infrastructure for it for a park outside the city limits. She questioned whether the City really needs 200 more acres of parks, according to the Lose & Associates study; Fayetteville ranks high in acreage in the parks system. She reviewed some of the information from the Lose and Associates Master Plan and the needs outlined in that study. She reviewed the definitions used in the Lose & Associates study of the different types of parks as set forth by the National Recreation and Parks Association, which define a "community park" as 20 to 50 acres and a "regional park" as 50 to 250 acres. She stated that we are talking about a regional park here, not a community park. She said she has not seen anything that defines the operational costs of this proposed park and is concerned about how much that will be. She wondered why the acreage around the new wastewater treatment plant couldn't be used for the community park. She feels more public input and discussion is needed on this and she encouraged the Council to look again at the Master Plan that has already been approved.

Mayor Coody apologized for calling this a community park instead of a regional park.

Phil a resident from Ward 2 said he finds it painful to sit and listen for an extended period of time to public input and suggested the Council set a time limit for each speaker so the comments will be more focused.

Wade Coldwell, Chair of the Parks & Recreation Advisory Board said the Board has worked for the past two years looking at all these issues. He questioned why annexation of an undeveloped area has become an issue. He said the Parks Board was fully aware that there is a landfill on the property and they have been going after the funds to clean it up. The City needs the parks space to meet the growing needs of the community. He also sees this as a business deal, giving the City what it needs and wants. He feels the Mayor has been wise in the way he has handled it.

Tom Howard said he has coached children for 30 years in soccer, baseball, etc. He said he appreciates everybody's comments. He said some children don't get the opportunity to play sports because their parents don't have the time to drive to separate fields for different children. He thinks it is important to have a central area for these sports so people can drive to one area for all sports. He thinks the City needs a community park and feels the opportunity to play sports is invaluable to the children and families.

Melissa Terry: Stated the wet weather drainage going through the Cummins property is Cato Springs Branch, which is at the headwaters of Town Branch watershed, which drains into the west fork of the White River. She works as a conservation organizer for Audubon Arkansas and asked that the City consider working with her group on this issue if the project gets to the place where channelizing or moving the creek is being considered.

Dorothy Neely because of her background as an environmental consultant and because this acreage was previously a City landfill, she asked if an in-depth environmental assessment is included in the contingencies for this property.

Mayor Coody said Terracon did an environmental assessment and the report stated that the landfill was not a real environmental problem. He said a copy of the study is available for anyone who wishes to see it. He asked Ms. Neely, considering her background, if she felt it was better to walk away from a landfill site such as this or to do remedial work.

Dorothy Neely said she thought remediation and stabilization of the surface with vegetation would be best. She said she would prefer vegetation rather than pavement. She said concerns with the watershed need to be addressed.

Connie Edmonston, Director of Parks & Recreation corrected something she said earlier: the division line for the east and west quadrants of the parks system are actually Highway 16 West to Old Wire Road when you cross Highway 71. She stated that her division has been working on many of the projects outlined in the Parks Master Plan including opening playgrounds, establishment of new neighborhood parks, new trails and ADA compliance. The community park is just one of the items her division and the City believe is very important. They have looked at and evaluated 18 different sites for the park and this was chosen as the best site due to location and usable land. They will need 115 acres for current needs for active sports. The remaining acreage would be used for passive recreation. The soccer, baseball & softball programs are exploding with over 5000 participants in baseball/softball and 1300 kids playing soccer. The City believes that obtaining this property would help meet those needs as well as help us to be good environmental stewards of our land. It would reduce the traffic of families traveling from park to park for different games and also the travel of maintenance crews between the different locations.

Alderman Thiel said she thinks there has been some confusion regarding the term used to describe the park. In the Master Plan the term "multi-sports complex" was what people identified with and changing the verbiage makes it more difficult to follow the support that was gathered during the creation of the Master Plan. This is not necessarily a community park; it will be a regional park if it is the size being discussed. She asked for clarification from Connie about the actual amount of parkland in the City, minus the lake and water areas.

Connie Edmonston: We have 795 acres of water in the parks system. The total acreage is around 3,300 making about 2800 acres of actual parkland. Much of the land is nature preservation and not usable for active sports.

Alderman Jordan asked how many acres are in Finger Park.

Connie Edmonston: Finger Park is between 19 and 21 acres.

Alderman Jordan: Is that the largest park in Ward 4?

Connie Edmonston: Yes. That is by far the largest.

Alderman Jordan: What else would be in this community/regional park besides soccer and baseball fields? Will there be picnic tables, playground equipment etc. that would allow a family to go and have a barbeque and family outing?

Connie Edmonston: Parks has a map that outlines the active and passive usage of the Cummins property. They are looking at soccer, baseball, softball, ultimate Frisbee, tennis, disc golf, an amphitheater, trails, a pavilion and maybe some kind of water feature. All of this would be determined following many public meetings to determine the public's demands for the park, 115 acres of the 200 acres will be for active use, the remainder will be for passive use.

Mayor Coody: That doesn't include what the surrounding development will give up as far as trails, bluff areas, preserved areas, etc. outside the 200 acres that will be used by the public.

Connie Edmonston said of the 18 sites her division evaluated during their search, three have already been sold. Large tracts of land are difficult to find within the City and they are going fast. She believes this is the premier spot for the park, the land is very usable; the hillside is being preserved, there are many pluses to this property.

Jim Bemis said he is not proud of the City's parks system west of I-540. Between Highway 112 and the Cummins property there is nothing for the people living in that area. He is not against a park in this area but would rather see four community parks stretched between Highway 112 and this property rather than 200 acres in one park.

Mayor Coody closed the discussion to public comment opened the floor to the Council.

Alderman Thiel said she appreciated the comments being made. When she was on the Parks Board they had looked at this issue and hired Lose and Associates and she went to almost all the public meetings. One of the concerns of the parents during this process was that they wanted to have one place they could take their children of various ages participating in different sports without having to drive them all around town. That was one of the original motivations for the discussion of a multi-sports complex. The baseball fields in Walker Park are worn out; we'll have to do something about the soccer fields. Something will have to be done to accommodate the desires of the parents who have children who want to play in these activities. She likes the location and thinks Parks worked diligently to find a location that met all the criteria. It serves Ward 4, which does not have a large park and it is very accessible. One of the advantages of the athletic or sports complex side of parks is that it helps pay for itself. The passive parks don't pay for themselves and are costly to keep maintained. This location also offers the opportunity for the City to do something about a landfill that really does need to be addressed. She says she supports this with the exception of the resolution of the landfill issue and the school district issue, those are big concerns. She understands that the City won't be expending any funds toward this until those two issues are a little bit more resolved.

Alderman Cook spoke of his concerns that the park may take too much money and he is concerned about the remainder of the parks system. He is concerned about other financial needs of the City. He is nervous about the landfill issue and wants to make sure we know exactly which land we will get in the area. The positive side is that it is a great site with a great view of town and I-540 access. He struggles with comments about the park being on the edge of town. You can't find this much land in town so it would have to be on the edge of town. Economic development is also a positive; there is no question that we will draw events to a park like this.

The City does need the facility. It will provide areas for sports we don't have room for now as well as passive activities. He thinks the positives outweigh the negatives on this but remains a little nervous.

Alderman Jordan said his concern is that he hasn't received any information about what is going to go in to the old Lewis Soccer Complex over by the Asbell neighborhood.

Hugh Earnest said he will be meeting with the U of A regarding this. The only thing he knows at this time is that several years ago a general comment was made that married student housing might go in there. He doesn't think anything has been designed as far as type of housing but he will check into it and get some information.

Alderman Jordan stated he does have concerns about the western part of town not having any sort of park and he thinks this park would provide something desperately needed in that part of town. He doesn't really like the location and will have some strong concerns about the development that goes in there.

Alderman Marr said during the process of campaigning and talking with citizens and questioning them about their concerns he has realized that no matter how much is done to make sure citizens understand what is happening, it is not enough. He spoke of how long this issue has been going on. He thinks many good questions have been asked tonight. He sees huge economic opportunities associated with this and feels it is an avenue to maintenance of livability and quality of life in the City of Fayetteville. His biggest concern is not having enough resources left over for neighborhood parks. He thinks both are needed and feels it is the job of the Council to make sure that both are made available. This discussion is about whether to explore the possibility of a community park not that we are choosing that over neighborhood parks. He feels this is worth the investment, not at the expense of everything else, but it is worth pursuing.

Mayor Coody said he feels this is a historic opportunity. If the City walks away from this opportunity to pick up this amount of acreage now, it could be walking away from it for a long time, a better opportunity may never come up. It may not be perfect but he feels it is good. This is not an "either/or" situation where a community park is being chosen over neighborhood parks. The neighborhood parks will come in. He feels if the City does not take advantage of this opportunity it will be shortchanging itself now and in future generations.

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

Resolution 138-04 as Recorded in the Office of the City Clerk.

Neighborhood Elementary School City Council Support: A resolution to express the City Council's support for the established Neighborhood Elementary Schools in Fayetteville.

Alderman Marr thanked those who came to speak on this topic and Alderman Thiel for cosponsoring the resolution. There has been a great deal written about this resolution, some questioning whether this is the correct forum for discussion about neighborhood schools or why the Council should be involved in the discussion. He spoke of his reasoning for sponsoring the resolution. He has had many questions from his constituents about the closing of neighborhood schools and why the City is not doing anything about it. The hope is that in bringing this issue to

the table, the City can play a small part in influencing and preserving established schools. He feels that as a Council this group is responsible for stability and management of the City and charged with the responsibility for planning for growth and preserving viability of established areas of the City. He feels that the Council has not only a right but also a responsibility to discuss this issue. He understands the Council does not have the power to make policy decisions regarding school locations but thinks this forum might be described as "hopeful influence". He hopes that the superintendent and the school board will realize that the importance of the community in the decision making process, the future of new and additional financial support for our school system and a way to accomplish their goals for the best possible education for our children and the City's goal of the most livable community can be accomplished together. He said that although the two different goals might at times conflict, the two groups should embrace the conflict to get to the best decision for the children and the City. This resolution supports established schools that already exist in Fayetteville. It does not say that the Council does not support new schools. It expresses strong support for retaining established schools and it asks the Council's peers on the school board to carefully weigh the importance of each such school upon its neighborhood. It does not say the board didn't already carefully weigh information and it doesn't say that the Council's interests should be weighed more than what is in the best interest of a child. He believes it is the Council's responsibility to let peer governments know its wishes, ask for their support of our initiatives and to seek to be clear in how we see our side of the win-win relationship. This resolution is not a policy. If a citizen does not like the policy of the school board, they must deal with that board because that group makes the decision. This resolution simply is a means of passing in a very formal sense the Council's hope for consideration of long-term viability of established schools in the City's center as it continues to grow outside that center. He said he hoped that this discussion will be seen as being responsive to citizens' requests and that those citizens will understand that policy is made regarding the schools at the School Board level. He asked that everyone speaking in favor of the resolution be respectful of elected officials and top administrators of the school board in their comments. This is not personal and we are not here to attack individuals.

Alderman Thiel said she proudly co-sponsored this resolution and feels if it does nothing more than show the Council's support for more discussion and understanding between the school board and the public, then she feels like it is a good thing. She understands the need to build a west side school but sees that there may be a need for a school to serve the southern portion of the Jefferson School area in the future. She appreciates being asked by Dr. New and Steve Percival to participate in future planning for the Jefferson School building.

Mayor Coody opened the floor to public comment but asked speakers to be as concise and civil as possible.

Nancy Allen spoke of the need to build Jefferson and Washington schools 75 years ago because of the growth in those areas, later other schools were built as needed. Now there is a need for a new school on the west side of the City, this process should continue, but the need for the new does not negate the need for the old. Children still reside in those areas. Each school is the heart of its neighborhood and removing one will cause rot and decay. Schools and the City in which they dwell are vitally interconnected. For the school board not to listen to the concerns and voices of patrons is arrogant and self-serving and can be rectified at a ballot box. She presented 217 signatures, letters and e-mails from patrons who agree.

Amy McMillan said as parent of 4 children in the Holt/Holcomb school district she believes that a school plays a large part in establishing a neighborhood. A school offers much to the citizens in a neighborhood including social services to those in need of clothing, food and financial help and many other resources. She spoke of her concern about the actions of school officials in recent situations. She said she is in support of this resolution and sees it as a first step and she commended Aldermen Marr and Thiel for presenting it. Our schools and local governments should work together to create the best environment in which to educate our children.

Madison McMillan a first grade student of Holcomb Elementary read a letter she had written to the Council, talking about her commute to school and the need for sidewalks.

Karen Reese said she is a member of the Council of Neighborhoods and president of the Washington Willow Neighborhood Association. She said Dr. New had attended a meeting of the Council of Neighborhoods early in the year where members expressed their disapproval of the proposed closing of Jefferson School. She talked about the things discussed at this meeting and input provided by Dr. New. She believes the school board works hard for Fayetteville. They have a difficult job and some tough decisions to make but she thinks it should listen to the people it serves. She feels the Fayetteville schools are inherently connected to the neighborhoods and the people of Fayetteville. She feels Aldermen Marr and Thiel are listening to and responding to their constituents with this resolution. Since cities grow around schools, this is an important issue for the City. Closing Jefferson Elementary would be in direct opposition to the City's goal of revitalizing South Fayetteville. Neighborhood schools make sense because they promote a sense of community, reduce traffic and reduce body mass indexes by encouraging walkability to schools. She encouraged the Council to pass this resolution.

Jerry Bailey: No one likes to commute and he doesn't think we should subject our little children to it either. The quickest way to destroy a neighborhood is to take the school away.

Kathy McGuire Bowerman spokesperson for Fayetteville H.O.P.E.S. Said her group collected 245 signatures on a petition to the school board asking them for a moratorium on all real estate decisions while they got a mediator. She is speaking for those 245 people. She read an e-mail from Art Hobson asking for an addendum to the resolution expressing particular concern about the plans to close Jefferson School and recommending the alternative of renovation. She spoke of the options that could be utilized, including making Jefferson a magnet school. She also read a portion of a letter from Ralph Nesson of the Walker Park Neighborhood Association and a resolution from the Fayetteville Chamber of Commerce. She spoke of the Fayetteville School Board and the difficulty of citizens having input in issues before them. She feels it is important for the Council to become involved.

Sharon Davidson quoted from a couple of newspaper articles regarding the schools. She said she is surprised at how insular the Fayetteville School Board is for a larger town. She disagrees with the statement that the decision to build the west side school is for the kids, she feels it is being done to accommodate development. She considers the poor planning in closing Bates Elementary has lead to the closing of Jefferson. She spoke about her concerns about the reasons behind the closing of Jefferson Elementary and the process that was taken to make the decision.

Spencer Scarborough: This is one way to increase tax revenue is to revitalize South Fayetteville; this would create a greater pie to split for other City services. The school in South Fayetteville was extremely important to draw people into that neighborhood to rebuild and

revitalize the homes. A school is necessary in that area to draw the middle class and upwardly striving young families to buy homes in that part of the City. To revitalize South Fayetteville, the City Council needs to encourage the school to be in that area. The closing of Jefferson School is not a neighborhood issue but a city-wide issue.

Linda Ralston thanked Don Marr for his comments. The Council oversees the city, which includes the neighborhoods, which include the schools. This is absolutely the right thing to do and it is appropriate for the Council to send this message to the school board.

Michelle Key a resident of South Fayetteville whose children attend Jefferson Elementary said she is not here to lambaste the school board or say anything negative about anything that has already happened. She said she applauds Alderman Marr for bringing this forward. She hopes that the wonderful neighborhood around Jefferson will not be destroyed and that with this resolution the same sort of things won't happen in other neighborhoods.

Marcie Benham said she is very concerned about South Fayetteville and what is happening there. It is one of the few areas in town where affordable housing is available. She thanked the Council for being courageous enough to consider this resolution and to act as a voice for the citizens.

C. F. Roberts stated he feels there is a perception that the school board has been acting in bad faith. He urged support of this resolution and thanked Aldermen Marr and Thiel for bringing it forward.

Betty Arambel said five of her seven children have attended Jefferson Elementary. She spoke of her hope that Jefferson will not close in two years. If it does close, it will affect the City of Fayetteville.

Beth Presley said she hopes the school board will make the decision in the two years it takes to build the new school on the west side, that wisdom is weighted toward keeping Jefferson as an open, viable school. She appreciates the City government entertaining this resolution; she sees it as a City issue. She urged that the resolution be passed.

Mayor Coody closed the floor to public comment and returned the discussion to the Council.

Alderman Reynolds said he raised his kids in South Fayetteville. The school they attended disappeared and he watched an older neighborhood in that area decline. He does not understand the decision made by the school board to close Jefferson and asked that they go over and look at the area around Jefferson and expand it.

Alderman Lucas asked Aldermen Marr and Thiel to clarify the term in the resolution, "core historic areas". She asked if that means older, existing neighborhood schools that have a history in their area, not just in the historical areas.

Alderman Marr: That is correct.

Alderman Lucas said she feels when constituents make their feelings loud and clear the Council must make those feelings known. They have spoken clearly on this issue. When other boards make decisions that affect the entire community, and especially the City's goals of revitalizing

Fayetteville's center, it is the Council's responsibility to make their views known. Though it is the school board's decision, the Council is, with this resolution, lobbying for the citizens for neighborhood schools.

Alderman Jordan stated that though the school board takes care of the education of the children, the Council represents the people. In supporting this resolution he feels he is representing his constituents on the south end of town.

Alderman Odom apologized to Alderman Marr for the manner in which he questioned his resolution. He said he has served with Don Marr on the Planning Commission and has seen his actions on the City Council and does not in any way question his motivation. He did not intend his comments to offend. He agrees with almost every comment that has been made. He is in favor of neighborhood schools and is in favor of better communication between the City, the school board, the University of Arkansas and other entities that come together when issues need to be addressed. However, he disagrees that this is an appropriate forum for this. He is concerned that this will give false hope to the community that this matter will be resolved here. It continues to be a school board issue and that is the proper forum in which it should be addressed. He does not think the resolution promotes a healthy partnership with the City and the school board. He understands Don Marr's intent in the language of the resolution but believes it gives the implication that the school board did not "carefully weigh" their decisions. He thinks it is important to open a line of communication with the school board and administration but doesn't feel this is the appropriate way to open that communication and he fears that it will stifle it.

Alderman Marr addressed the wording issue and the implication that it implies that the school board hadn't "carefully weighed" their decisions. The actual sentence reads, "carefully weigh the importance of each school upon its neighborhood". He realizes that the school board makes its decisions based upon the best education for the children. But the neighborhoods should also be a part of this.

Mayor Coody asked Hugh Earnest, as a member of the CIP committee to give the Council a run down on what that committee decided and his role in that committee.

Hugh Earnest said for several months his name has been bandied about as someone who participated in a series of decisions impacting Jefferson Elementary, such was not the case. When he was asked to serve on the Capital Improvement Plan steering committee, he was honored to serve. Those serving on that committee were Howard Hamilton (a school board member), Hugh Earnest, Ron Edwards (from the U of A), Jeff Koenig (NW Arkansas Business Council), Dr. Edwin Strickland (McNair Middle School Principal), Shannon People (Happy Hollow Elementary Principal), Dennis Hunt (at that time president-elect of the Chamber of Commerce) and Ginny Davis (President's Council representative). The President's Council consists of all school PTA & PTO presidents and meets with Dr. New monthly. This group made a series of recommendations that were firmed up in January-March of this year. Those recommendations included principle capital improvements at three elementary schools, Holcomb, Happy Hollow and Vandergriff and to start planning immediately to build a new K-7 school with the location site to be determined by the school board. In all the conversations they had, it was the perception of those who served on this committee that that location would be in the area adjacent to the current Jefferson School. There is room for disagreement about whether or not the school can or should be saved. His role on the committee was to listen. There were many caring people on the committee who provided a great deal of deep and thoughtful

information about the future of that school and what can or should be done for that particular area of town. The point he wishes to make is that there is a series of issues that the school board will continue to face over the foreseeable future and he thinks it is appropriate for the Council as policy makers to talk through such issues. One issue is to "begin immediately exploring the feasibility of combining East and West Campus programs to the East Campus location in an effort to limit capital investment until a new high school can be built." One of the particular problems the school district has is that their boundaries are not the City's boundaries. There does need to be conversation between the City and the school board. He wanted to stress that the committee he participated in had no say in where the school was to be located, they simply made a recommendation that that physical plant needed to be replaced.

Alderman Marr moved to approve the resolution. Alderman Thiel seconded the motion. Upon roll call the resolution passed 7-1. Alderman Thiel, Cook, Marr, Rhoads, Lucas, Jordan and Reynolds voting yes. Alderman Odom voting no.

Resolution 139-04 as Recorded in the Office of the City Clerk.

Downtown Master Plan Adoption: A resolution to adopt the Downtown Master Plan completed by Dover, Kohl & Partners.

Tim Conklin, Director of Community Planning & Engineering Services: Dover Kohl and Partners were hired last October to develop this plan. In January there was a week long charette process with incredible participation of this community in identifying the future of our downtown area. The plan has six key principles of how to create a more walkable environment, how to encourage people to live downtown, and how to deal with our on-street off-street and structure parking. We will look at how to redo our zoning and development ordinances to actually achieve what has been identified within the vision, how to create special places and overall how to create an experience economy within the downtown as an economic development tool. The two projects that the staff wants to undertake immediately are looking at our one-way street system and converting that and looking at our zoning code and design guidelines that were part of the scope of work. We will look at new zoning districts with new standards and a cultural and entertainment overlay district.

Mayor Coody: If I remember correctly we got very little opposition to this Downtown Master Plan.

Tim Conklin said at the work-in-progress review back in January, 91% of the people filling out the exit interview felt that the plan was on track. They liked the ideas and vision that came out of the charette process and it was a very successful public participation process.

Alderman Thiel wanted to clarify that the action being taken now is just adopting a vision concept of a downtown master plan, not the specific ordinances.

Tim Conklin: That is correct, part of the Downtown Master Plan within each chapter talks about specific actions that the City Council and Planning Commission will need to take to implement the Downtown Master Plan. What is being discussed tonight is a resolution. It will take ordinances to change zoning districts and zoning code changes. One-way street conversions will be brought through the Street Committee.

Mayor Coody opened the floor for public comment. There was none.

Alderman Cook moved to approve the resolution. **Alderman Marr** seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 140-04 as Recorded in the Office of the City Clerk.

Purchase 2.44 Acres from Fay Jones Trust: A resolution approving an offer and acceptance contract between the City of Fayetteville and the Fay Jones Trust for the purchase of approximately 2.44 acres of land located between West and Gregg Avenues for the amount of \$100,000.00 plus associated closing costs.

Alderman Thiel moved to amend the resolution to approve a contract to purchase 2.44 acres from Fay Jones Trust with \$50,000 of the proceeds coming from the Tree and Trails Task Force and \$50,000 from the Wilson Springs proceeds. **Alderman Jordan** seconded the motion. Upon roll call the motion to amend the resolution passed 7-0. **Alderman Cook** abstained.

Alderman Marr asked if these are still being kept completely separate or will this resolution speak to both pieces of land.

Mayor Coody: The way he reads it, the resolution speaks to this piece of land but the funding mechanism to approve this resolution would play to both pieces.

Kit Williams explained that the first thing the Council would need to do is vote on the amendment to the resolution before them. That would be speaking only to the one piece of land.

Alderman Thiel said her intention was that the \$50,000 balance would remain in the Tree and Trails Task Force fund and that Task Force then could seek ways in which the Town Branch Neighborhood Association can find matching funds to purchase the Matthias-South Duncan property. So that is really not part of this conversation.

Kit Williams: That's correct. Not at this point in time.

Alderman Marr: When will that be a part of this conversation?

Alderman Thiel: Whenever the Task Force has a meeting. It basically just stays in the Task Force fund where it is now.

Alderman Marr said he thinks the Task Force has given a recommendation of where they'd like the money to go. He would like to see some kind of resolution that allocates it all so we know it is finished and we know what it is going for.

Alderman Lucas asked why the Council doesn't allocate it all to this and in some way take some money from either the escrow account or the southwest section of the city and have it there for the neighborhood association. If they raise the other funds, we can have the \$50,000. She thinks the full amount should be used for this park on West Street and then the Council can say that we have the \$50,000 and the neighborhood association can match it or make up the difference.

Mayor Coody said he thought that made the most sense. It's a way to put all the money toward the Fay Jones property and at the same time the City can earmark and allocate \$50,000 to be set aside so both jobs are done.

Alderman Lucas: We need both parks.

Alderman Marr said that's the thing he wants to make clear. He is supportive of both pieces of property. He doesn't care how it is organized but he would like to see an end to whatever we are going to do with the Task Force money at some point and that we get what they are recommending, which is both pieces.

Alderman Lucas: They obviously think both pieces meet the requirements of the settlement.

Alderman Cook said he wishes the Council would give this some time, out of respect to the Jones family. He doesn't think it is appropriate to even discuss this now. He thinks the Council should just let this sit until the Jones family comes back ready to deal with it.

Alderman Thiel explained why she made the motion. She has been on this Task Force for four years and respects her colleagues in the group. Months ago the Task Force determined that the South Duncan property was a vital greenspace that would be an excellent investment for the future of that area. The property has some wetland and is an environmentally sensitive area that conforms to the goals of the lawsuit settlement. It is also a critically needed green space for a neighborhood that will soon be overwhelmed with several large multi-family developments. She will only support an amendment to this ordinance that supports the Task Force recommendation, which was to put \$50,000 toward the library property and \$50,000 toward the South Duncan property. Her concern is that if the Council does not go ahead and take \$50,000 from the Wilson Springs proceeds at this time and leave the \$50,000 in the Tree and Trails Task Force for this Matthias property purchase, it won't happen. She is concerned about simply saying the City will come up with the \$50,000 match later.

Alderman Marr asked for clarification from Alderman Thiel. In the minutes he received the recommendation of the Task Force was \$50,000 to one project and \$50,000 to the other. Is there a reason that that is not all being recommended at one time? Why does it have to be separate?

Alderman Thiel: The administration brought this library parkland purchase forward because Mayor Coody had already made the offer. The Task Force had asked the Mayor to negotiate about this other property previously. Things got complicated and it didn't happen at that time. Things change and she thinks it might now be more of a possibility than it was six months ago. But this came forward not from the Task Force but from the administration.

Mayor Coody: If you'll notice, there is no funding mechanism outlined her. You guys deal with anything over \$10,000 so this is well over \$10,000 and you all will pick the funding mechanism for this.

Alderman Lucas said she checked today and there is money in the account for the southwest quadrant of the parks development fund. Those funds are for development of parks within a specific area of the City. She thinks those funds could be used or Wilson Springs proceeds funds could be used if necessary.

Kit Williams: To accomplish what Alderman Marr was talking about the Council could suspend the rules and have another resolution that would accept the recommendation of the Tree and Trails Task Force to use the remainder of the settlement funds as a potential cost share to purchase the Matthias property or if not matched use for payment of the Mt. Sequoyah forest preserve that will have to do. You could also pass the amendment that Alderman Thiel has recommended, which would take money from the General Fund to match the Tree and Trails Task Force money and buy the Fay Jones property. You would then suspend the rules and pass another resolution to effectuate their recommendation that that \$50,000 be used as a match for the Matthias property with the proviso that if it is not matched it would be used for something else. that the Task Force could use it for which is payment of the Mt. Sequoyah woods.

Alderman Thiel said it was fine to do something like that but she would rather go back to the Tree and Trails Task Force one more time so they can draft a resolution and possibly set a time limit for the neighborhood to come up with a match.

Alderman Lucas: They have a time limit already that is the end of May next year so we could just use their time limit.

Alderman Odom asked if there are funds within the Wilson Springs proceeds that are available.

Mayor Coody indicated that funds are available.

Alderman Marr suggested the resolution be tabled until the next meeting in respect to Alderman Cook's comments and to allow Alderman Thiel to get with the Task Force and allow them to make a recommendation of what project the money should go toward if the neighborhood doesn't raise the money by June 1, 2005.

Alderman Marr moved to table the amended resolution until the September 21, 2004 City Council meeting. Alderman Thiel seconded the motion. Upon roll call the motion to table passed unanimously.

This Resolution was Tabled until the September 21, 2004 City Council meeting.

Newspaper Advertising Bid: A resolution awarding Bid #04-53 to The Morning News for legal and display advertisements; to the Arkansas Democrat-Gazette for federally funded project advertisements; and authorizing the placement of items of particular public interest in any newspaper as needed.

Alderman Cook recused himself from this discussion since his wife works for the Democrat-Gazette.

Steve Davis, Director of Finance & Internal Services: In an effort to respond to a 2002 request from City Council for a specific recommendation on advertising, staff issued a request for bid in July to the Morning News, the Arkansas Democrat-Gazette and Fayetteville Free Weekly. The lowest dollar cost advertising program for the City would be to place advertising primarily with the Morning News with the legally mandated advertising going to the Arkansas Democrat-Gazette. This is primarily because the Morning News rates are \$4 a column inch and the Arkansas Democrat-Gazette column inch rate is \$9.56. When you compare the unit cost, the

legal ad cost per delivery is favorable to the Arkansas Democrat-Gazette. The cost per delivery for all other advertising is favorable to the Morning News. This provides the opportunity for the City to save significant dollars. In 2002 the City spent slightly over \$100,000 on advertising and in 2003 we spent approximately \$84,000. We are on track this year to spend approximately \$120,000, because of the differential in the column inch price and the reactivation of the City's web site, staff is recommending that the lowest cost provider that gets the word out to the majority of the citizens is a combination of the web site and the Morning News.

Alderman Odom: We currently advertise in both?

Steve Davis: Yes, we do advertise in both. We don't have a contract with either newspaper at this time. We publish primarily job openings in the Morning News and hot ticket items in both papers. He thought that the agendas were probably posted in the Democrat Gazette along with all the ordinances. The ordinances would stay in the Northwest Arkansas Times/Arkansas Democrat Gazette.

Alderman Lucas said it is her understanding that you can purchase the Arkansas Democrat-Gazette alone as well as one with the Northwest Arkansas Times. The circulation is that the one with the Northwest Arkansas Times in it and is it just in Fayetteville?

Steve Davis: It is his understanding that the circulation numbers quoted by both newspapers are to Fayetteville zip codes only. Those zip codes extend outside out city limits. He would refer the question about buying the Democrat Gazette alone or with the Times in the Arkansas Democrat Gazette he would refer that question to the Democrat Gazette representatives.

Mayor Coody opened the floor for public comment.

Jim Blankenship, Arkansas Democrat Gazette/Northwest Arkansas Times said Jeff Jeffus has provided to the Council circulation numbers for their paper as well as for the Morning News. They have also provided information about the actual readership. He talked about how many of the people in attendance and speaking on issues tonight were reading copies of or referring to articles in the Northwest Arkansas Times. The standard unit of measurement when it comes to advertising is the CPM or cost per thousand. It is figured by taking the cost of your advertising and dividing it by your circulation. He urged that be considered in this discussion. He asked that the Council take into consideration that the daily circulation of his paper is 83% greater than the competition and Sunday circulation is 101% greater. The results of a national study indicate readership is significantly greater. He asked the Council to consider who it is reading the papers.

Kent Eikenberry, Morning News said when his paper was asked to bid; they sent a bid that was the total cost divided by the ABC (Audit Bureau of Circulation) numbers. If you divide those numbers out, the Morning News cost per impression is less expensive than the Northwest Arkansas Times. It is slightly higher in legal advertising but if you look at the whole package it is less expensive. The staff was charged with coming up with a means to reach the most people at the most economical price and his paper did what they were asked to do.

Mayor Coody closed the floor to public comment.

Kit Williams: To approve this resolution, the Council would have to have an amendment saying "except for ordinances passed by the City Council". This would have to appear in the title and in

Section I. He thought it would not be worth the risk to publish passed ordinances in a paper where the judge might later say it doesn't meet the definition of being published in this municipality. A copy of the letter from the attorney from the Stephens group saying he thought the Morning News Fayetteville edition was in fact published in Fayetteville had been distributed to the Council. Mr. Williams said the attorney might be right but they would not be the ones taking the risk. The Fayetteville citizens would be taking the risk.

Mayor Coody suggested that amendment be made at this time.

Alderman Thiel said the Council has no idea how that would change the cost element, which is why the Council is looking at this.

Kit Williams agreed it does present a problem and it could be something that the Council might want to take back to the beginning of the process. If the bid from the Morning News was based substantially on that, they may not wish to enter the same bid. We would be changing the bid at this time from what was originally requested.

Alderman Odom moved to table the resolution until the first meeting in January 2005. **Alderman Jordan** seconded the motion.

Mayor Coody: Steve do we need to go back to bid on this?

Steve Davis said that the issue would have to be put out for bid again.

Alderman Thiel asked how much would be saved with this contract.

Steve Davis: If you go 100% with the Morning News, savings would be about \$70,000 to \$80,000 based on the column inch difference. When you take out the legal ads that have to be advertised locally the savings probably drop to \$25,000 to \$30,000. When you look at the total budget, 77% is people then you factor out the other fixed costs and you get to where out of a \$30 to \$50 million operational budget, you are talking about discretionary money of less than \$1 to \$2 million. When you start look at advertising for City services and look at the savings potential that the low bid offers to the City, it takes on more meaning than when you look at it just as saving \$25,000 out of a \$100 million budget.

Mayor Coody asked if the Council is interested in going to the Morning News or if they want to stay with the Times because the perception is the Times is read more by the local folks.

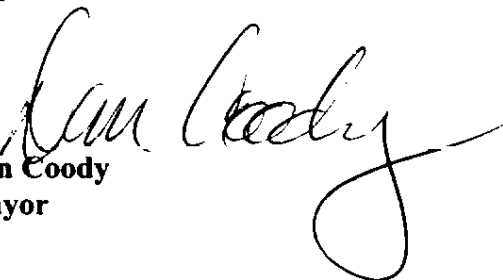
Alderman Rhoads: There has been a lot of work done already and it would seem based on Kit's reading of the statute that we should go ahead and complete the process. If we can save \$25,000 to \$30,000 and still do right by the public and get information out to the right number of people then the Council should look at the options.

Alderman Marr thanked the staff for bringing this forward. He agrees with Steve that \$25,000 or \$30,000 thousand is a significant savings. He admitted that when he advocated the issue two years ago, he was only looking at it from a dollar perspective instead of cost per unit. He felt that cost per unit makes a difference. Circulation is critical to where you spend advertising dollars.

Alderman Odom amended his motion to table the motion indefinitely rather than until the first meeting in January, 2005. Alderman Jordan seconded the motion. Upon roll call the motioned passed 7-0. Alderman Cook recused.

Meeting Adjourned at 10:20 pm.


Sondra Smith
City Clerk


Dan Coody
Mayor