Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

Ward 1 Position 1 - Robert Reynolds
Ward 1 Position 2 - Brenda Thiel
Ward 2 Position 1 - Kyle B. Cook
Ward 2 Position 2 - Don Marr
Ward 3 Position 1 - Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 - Shirley Lucas
Ward 4 Position 2 - Lioneld Jordan

City of Fayetteville Arkansas
City Council
Meeting Minutes
April 4, 2006

A meeting of the Fayetteville City Council was held on April 4, 2006 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Coody called the meeting to order.

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

ABSENT: Alderman Rhoads was absent during roll call.

Pledge of Allegiance

CONSENT:

Approval of the March 7, 2006, March 21, 2006 and the March 28, 2006 City Council meeting minutes.

March 7, 2006 minutes were approved.
March 28, 2006 minutes were approved.
The March 21, 2006 meeting minutes were removed from the agenda at the request of Sondra Smith, City Clerk.

Power Curbers, Inc.: A resolution approving the purchase of one (1) Power Curber Model 5700 Super–B Slip Form Paving Machine from Power Curbers, Inc. in the amount of $176,500.00; and approving a budget adjustment to move the funds to Fleet Expense Account.

Resolution 60-06 as Recorded in the Office of the City Clerk.

Cobblestone Subdivision Park Land Dedication Waiver: A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept $108,780.00 cash in lieu of the required Park Land Dedication for Cobblestone Subdivision.

Resolution 61-06 as Recorded in the Office of the City Clerk.

Wedington Circle Park Land Dedication Waiver: A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept $116,328.00 cash in lieu of the required Park Land Dedication for the Wedington Circle Development.

Resolution 62-06 as Recorded in the Office of the City Clerk.

ADM 06-2002 Crossover Road/HWY 265 ROW Variance: A resolution to vary the Master Street Plan's dedication requirements for Highway 265 in connection with the construction of Fire Station #5.

This item was removed from the Consent Agenda for discussion.

Off-Street Parking Development Renewal Lease Agreement: A resolution approving renewal of the Lease Agreement with Off-Street Parking Development District No. 1 for the City of Fayetteville to operate certain off-street parking lots.

Resolution 63-06 as Recorded in the Office of the City Clerk.

Cherokee Nation Contract: A resolution awarding a contract to the Cherokee Nation to provide the combined services of receiving, handling, hauling and disposing of municipal residential and commercial waste at the City of Fayetteville's Transfer Station.

Resolution 64-06 as Recorded in the Office of the City Clerk.

Alderman Jordan moved to accept the Consent Agenda as read with the March 21, 2006 meeting minutes removed from the agenda. Alderman Reynolds seconded.

Alderman Thiel asked that Item #5 be removed from the Consent Agenda for discussion right after the Consent Agenda.

Alderman Jordan and Reynolds withdrew their motion and second to accept.

Alderman Jordan moved to accept the amended Consent Agenda. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.

The following item was removed from the Consent Agenda for discussion.

ADM 06-2002 Crossover Road/HWY 265 ROW Variance: A resolution to vary the Master Street Plan's dedication requirements for Highway 265 in connection with the construction of Fire Station #5.

Mayor Coody addressed the item with Alderman Thiel.

Alderman Thiel informed the Mayor and City Council that she wanted to give Mr. and Mrs. Ziegenfuss an opportunity to voice their concerns.

Catherine Ziegenfuss, resident, introduced herself and stated that she lives 1/4 of a mile from Ruth Park. She passes Ruth Park very often and it is called a native meadow habitat. She talked about how pretty the park was with all the wildflowers and evergreens. She also spoke of all the development on Crossover. She also stated that she believes we need to keep some of our natural areas and expressed her disbelief that the City is sacrificing park space. She asked that the City help find another location for the new fire station.

Mayor Coody thanked Mrs. Ziegenfuss and asked for other comments.

Bob Ziegenfuss introduced himself and stated that he lives 1/4 of a mile from Ruth Park off of Crossover Road in Ward 3. He stated that he backs up what his wife voiced. He is concerned about the visual pollution that was about to occur at this location and how everything has disappeared from that area. He was concerned about conversation at a Planning Commission meeting regarding a floodplain that was brought to the Commissioner's attention by Jill Anthes, she presented a map and said that the Corp of Engineers had definitely listed this as floodplain. He was also concerned about the lift station on the corner of Township and Crossover and its odor emission. He didn't understand why the new fire station was being designed for that area, it doesn't make any sense to him, and the firemen would breathe the odor. Nobody who is at a park now will have to put up with that. He said we're building a walled highway and no peace for weary and harassed driver. He asked the City Council to reconsider.

Fran Alexander informed the City Council that she had addressed the Planning Commission regarding this and she wanted to point out a couple of things. She mentioned that Ruth Park was not named in the agenda item. She thought it behooves us to address that the city was replacing a park and green space with a fire station. She said she didn't have a problem with the fire station except that she thought that intersection is too busy for the firemen to get out. She also stated that at the stop lights it would be bumper to bumper in both directions several times during the day and felt the traffic situation is much more serious than was being addressed. She believed that this item was going to be voted in and she was not battling for that. She did want the City to call a spade a spade and a park a park. She felt that our parks department does not manage green space as green space and that we should just leave it alone as a beautiful wildlife meadow. She stated there was a lot of philosophy going about green space and parks that she thinks really needs attention.

Mayor Coody asked for any further comments. There was no further discussion and the mayor closed the public comment for this item and asked for comments from Council.

Alderman Rhoads: That's in Ward 3. I have not received any comments, questions, concerns, emails or letters on that at all. I'm not sure if that's one of the crown jewels as I look at the parks across Fayetteville. I think the need for a fire station in my mind out weighs the value of that as a park. I appreciate your comments.

Alderman Ferrell: I want to just second what Robert said. Public safety I think kind of trumps other considerations. I have received no comment, communication or anything else concerning this also.

Alderman Thiel: I think I am one of the biggest proponents of preserving green space. I've argued for several green spaces that we have preserved that were in other enterprise funds within the city that have been transferred to parks. But the reason I did so was because the neighborhoods surrounding those areas really did need a green space, they wanted a green space and they volunteered to work on the green space. In fact in both cases I'm referring to they are doing so, they are helping maintain those green spaces and our parks. In this case I was on the Parks Board whenever we tried to figure out what to do with Ruth Park because we couldn't afford to build and there wasn't a good place or a good way to build a parking area. It was finally decided that they would try to develop the wildflowers and that took several years. During that process I know there was a lot of joking and criticism about how bad it looked during that process. I think it finally has developed into something but I have only heard from a few people that are concerned about it. I know I would love to be able to preserve it. But I feel like the money we would have to spend to go out and buy an equal amount of ground on Highway 265 in that area would far offset the value of this. It's not appreciated by the neighborhood. The other thing I know that there's going to be a trail head, I think that's good, the Parks Department is going to still utilize part of it. I would highly recommend that the City whenever building this fire station that they be mindful of maybe preserving some areas that carry on the tradition that was started with this park and try to preserve as much as green area and trees as possible. I think the City did a fantastic job of doing that in the fire station out by the Boys and Girls Club and I think they will here too. I think that would be important that we try to do as much as we can to keep as much green space as possible and not pave the entire thing.

Alderman Ferrell: Alderwoman Thiel said the neighborhood didn't appreciate that, I think there some people that do but I think they appreciate the immediate need for public safety more which would be the fire station.

Alderman Jordan: I would agree with Alderwoman Thiel's comments on Fire Station #7. It has been a good blend of green space and taking care of safety issues out there. It fits well into that area. We preserved a lot of green space there and trees and things, it's been a fine addition.

Alderman Lucas: I agree with that. It's beautiful actually and people can picnic on the grounds. They feel very comfortable with all the trees and everything around it. That's the trend that the City's doing now. So I'm sure that we will do the same thing with this one.

Mayor Coody: We get clipped for needing to use 1 1/2 acres of green space it is as if the City of Fayetteville is always looking to get rid of green space when in fact we have added just in the last few years we've added I would venture to say probably close to 1,000 acres of green space to Fayetteville's inventory. So I would like to offset the beating that we get for an acre and a half with the good news of the proof that Fayetteville does care and does acquire a lot of green space in perpetuity. So I think sometimes we deserve complements as well. So I'll give us one on that.

Mayor Coody asked for any other comments and a motion to approve.

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

Resolution 65-06 as Recorded in the Office of the City Clerk.

This following item was added to the agenda:

VAC 06-2005 (Alt/Herget): An ordinance submitted by Sheree Alt for property located at Lot 75 of Coving Park Subdivision; vacating a portion of the utility easement along Township Street.

Tim Conklin: We have a vacation request that is not on your agenda. A citizen has requested a vacation of approximately 27 square feet on Township Street and Covington Park Subdivision. The Planning Commission heard this item on March 27th and the Board of Adjustment heard it yesterday on April 3rd. They did vote to approve the request for the vacation and did vote to approve the setback area yesterday. This is holding up their closing. It was our intention to try to piggyback all three of these items to Planning Commission, Board of Adjustments and City Council at one time. However I failed to get this on your agenda. So I'd like to apologize for that. It is a small encroachment and I do believe you have information in front of you this evening if you'd like to add it to your agenda.

Mayor Coody: This is holding up a closing which is holding up yet another closing after that. We've been requested to add this to the agenda and vote on this. And I think that Tim basically tried to get this on the agenda but it fell through the cracks because we just have too much going on. It's just one of those things that should have been on our agenda but wasn't.

Alderman Marr moved to add VAC 06-2005/Alt to the agenda. Alderman Jordan seconded the motion. Upon roll call the motion passed unanimously.

VAC 06-2005 – Alt/Herget: An ordinance approving VAC 06-2005 submitted by Sheree Alt for property located at Lot 75 of Covington Park Subdivision; vacating a portion of the utility easement along Township Street.

City Attorney Kit Williams read the ordinance.

Alderman Thiel: Could I ask Tim or Jeremy why this happened.

Jeremy Pate: It is my understanding that this is not the property owner when the house was constructed. It was constructed prior to this property owner purchasing the property it now for sale and a closing is pending. It is a minor encroachment. I believe just a roof overhang as you can see there in the diagram where it is encroaching; it is approximately less than a foot actually on all cases about 27 square feet. It is likely the footing was placed too close to the property and the overhang encroached more than they thought it would, that's just a conjuncture. I'm not sure how it actually occurred.

Alderman Thiel: Is this something that our Building Safety Division is trying to be more mindful of because this issue came before the Ordinance Review Committee because these sorts of things happen more than they should.

Jeremy Pate: Yes, that's exactly why we brought it before the Ordinance Review Committee to try to find a way to help alleviate some of those issues from coming before both the Board of Adjustment and City Council for vacation and things. Hopefully we're moving in the right direction.

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

City Attorney Kit Williams read the ordinance for the second time.

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

City Attorney Kit Williams read the ordinance for the third and final time.

Alderman Lucas: I'm curious as to how this didn't get picked up when they bought the house.

Jeremy Pate: When you purchase a piece of property a survey is not always required, sometimes it is. When a survey is actually done after a home is constructed that's when those encroachments are picked up. So most likely it was picked up when the survey occurred.

Alderman Marr: Jeremy on the last page. If this structure is encroaching is the fourth structure on the right, is that encroaching also?

Alderman Thiel: That's why it's already been before us.

Jeremy Pate: It could very well. To be honest I'm not sure.

Alderman Marr: Because it looks further into that than this property.

Jeremy Pate: These maps that we generate are based on aerial photography so they're not exactly precise. You can see obviously that where the easement is it is quite a ways away from that house. So these are not the most precise maps it's to just give a general idea where that is.

Alderman Thiel: Well someone might want to check that house out.

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

Ordinance 4849 as Recorded in the Office of the City Clerk.

UNFINISHED BUSINESS:

ADM 05-1841, 05-1842, 05-1879 Hillside Overlay District: An ordinance amending Title XV: Unified Development Code of the City of Fayetteville to amend various sections of the code in order to implement hillside preservation and protection, establish a Hillside Overlay District Zoning Boundary and map, and adopt and Hillside Overlay District Best Management Practices Manual. ***This ordinance was left on the First Reading at the February 7, 2006 City Council Meeting. This ordinance was left on the Second Reading at the February 21, 2006 City Council Meeting and was Tabled to the April 4, 2006 City Council Meeting.***

Alderman Marr: I thought that we were waiting on a map in order for this ordinance to move forward.

Alderman Thiel: I thought staff was going to ask us to table it.

Tim Conklin: Mayor and members of Council. The Center for Advance Special Technologies has been working on the map to produce what our City Attorney has recommended with regard to a Hillside Overlay District. That is a map that shows 8% slope above the 15% slope that if rainfall occurred, drainage would occur on that 8% or flow into 15%. We met with Fred Lampke and staff about two weeks ago and they will have that methodology and a map ready for us next Tuesday to hand out. We're going to met with them on this Friday so we request that this item be tabled. Also in addition to creating a methodology and the map that our City Attorney has recommended look at our methodology and refine that. Not change anything but looking at how best to make that as legally defensible as possible too. I really appreciate the University of Arkansas working on that for us and looking at the data sets and testing those data sets out to create that map. At this time we would ask for that to be tabled.

Kit Williams, City Attorney: Before you all vote tonight I hope that you will also look at the memo I handed out tonight. There are still many questions and issues I think that need to be resolved concerning the Hillside Ordinance and I hope that you all would consider them. I agree with Mr. Conklin we cannot pass an ordinance without the map being read, that's a necessary part statutorily for a zoning ordinance like this but there are several issues that you might want to consider at some point in time, if not tonight then I guess in two weeks. I did prepare as best I could what I believe is the currently amended ordinance after your amendments you made on the March meeting. Please look at those and make sure that I correctly interpreted the motions that were made that night. If anyone disagrees or thinks that I misinterpreted that please let know and I can try to work with them and make a note to the rest of the aldermen if there is a change that needs to be made from the ordinance I gave you that says "as amended by the City Council on 3/7/06."

Alderman Thiel: Well I don't have a question for Kit. I'm glad he's clarifying that these are amendments made by the City Council because I think these was some confusion by members of the public that the proposal that you came out with or recommendation a few weeks ago which we've made some amendments by, I think there was some confusion that was actually a whole new version of the ordinance which it's not. We're still working with the original ordinance, those are recommendations, we've made some amendments based on those recommendations and we may or may not make some more amendments based on those recommendations. The

document we're looking at now which I think is important that the public review if they'd like is what you passed out tonight. I'm glad you made that clear.

Alderman Jordan: This is the amended document correct?

Kit Williams: Yes

Mayor Coody asked for public comments and closes public comments.

Alderman Ferrell moved to table the ordinance to the April 18, 2006 City Council meeting. Alderman Rhoads seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was tabled to the April 18, 2006 City Council meeting.

RZN 06-1868 Chambers: An ordinance rezoning that property described in rezoning petition RZN 06-1868 for approximately .20 acres located at 347 North Willow Avenue from RSF-4 Residential Single-Family, 4 units per acre to RSF-8, Residential Single-Family, 8 units per acre. ***This ordinance was left on the Second Reading at the February 7, 2006 City Council Meeting. This ordinance was Tabled at the February 21, 2006 City Council Meeting to the March 7, 2006 City Council Meeting. This ordinance was Tabled at the March 7, 2006 City Council Meeting to the March 21, 2006 City Council Meeting. This ordinance was Tabled at the March 21, 2006 City Council Meeting to the April 4, 2006 City Council Meeting.***

Jeremy Pate: At agenda session I passed out some diagrams and drawings that were presented by the applicant for the City Council's review. As you all are aware this request is for a rezoning of the property. It doesn't technically have anything to do with the garage apartment that was approved by a conditional use by the Planning Commission, however much discussion has centered on the building height as proposed within that conditional use. The applicant has agreed to provide these drawings and re-look at some different alternatives. What I passed out to you, I believe No.1 is the proposal that was approved by the Planning Commission with the elevations. Option No. 2 is a redesign roughly the same site plan I believe but it decreases the height. It still retains a two story but decreases the cell height and it has a maximum of 22" 4". So you can compare those elevations to the ones that were approved by the Planning Commission. The third option in your packets within the final agenda is a one story structure. As you can see though the building height because of the roof pitch is actually several feet higher than a two story structure. I believe the applicant is here to explain some of those options.

Julie Chambers, applicant asked the Council for questions. She wanted to clarify the issue because she was seeing a lot of misinformation within the neighborhood she lived. She explained the home was zoned RSF-4 and this zoning district has 25' front setbacks, 8' side setbacks and 20' rear setback. She discussed the set backs in her neighborhood. She stated within their block, with the RSF-4 setbacks there are only two or three of the homes that actually are in conformance with RSF-4. The RSF-8 zoning district was actually formed to be more like what is actually in their neighborhood. It has 5' side setbacks, 5' rear setback and 15' front setbacks and also has a shorter lot width. She explained that when they brought their lot before Board of Adjustment they were going to have to have an adjustment for the lot width and an adjustment for north, east and west sides as it sits. City Planning asked that they go for a rezone

because the rezone would have only one ordinance to correct there site instead of having four different ordinances to correct their site and that it would be a much cleaner way to proceed. She said they have been receptive to the neighbors' comments and had no opposition until it came to a public forum. She explained that they have tried working with the neighbors and the different proposal was a result.

Mr. Chambers expressed that they also prepared a Bill of Assurance to guarantee that the building will go according to the plan approved by the Council. He explained that the rezone will be set with the current setbacks and an unlimited ceiling as RSF-4 has, so they'd like to do this in compliance with RSF-8.

Mayor Coody: One quick question. You don't have a building height on the new structure or estimated height. Do you know what that would be? Just for information.

Mrs. Chambers responded with the second proposal the new building height would be 22' and says that the second proposal was preferred because they would have to lose any of the programs.

Alderman Thiel: And it's not as tall as the single story is it?

Mrs. Chambers: It's not as tall as the single story one. The program that we're losing is a workshop.

City Attorney Williams: Did you say you were offering a Bill of Assurance with this?

Mrs. Chambers: Yes sir.

City Attorney Williams asked to see the Bill of Assurance.

Mayor Coody: For the record we got some emails from Carrie Wilson who couldn't be here tonight. She wanted us to table this again so she and her son could be here. Did you get those emails as well?

Alderman Reynolds: Carrie also asked about the sewer line. She said the sewer line was at the rear of her house. Do we know where the sewer line is that runs through there Jeremy?

Jeremy Pate: Sorry I do not. I'm not sure where that is.

Mr. Chambers: Our sewer line is on the south side of our property as it connects. It will be very unconventional for her sewer line to actually be under our driveway when she fronts Lafayette.

A discussion followed on the existing sewer line.

Alderman Reynolds: Carrie said that she was delivered this plan. When did you hand this out to the neighbors?

Mrs. Chambers: Sunday.

Alderman Reynolds: She had to leave town. She's worried about the sewer line. It's not my ward but she got in touch with me this morning. She wants us to table it for two more weeks to check on the sewer line and she wants to go over it a little more thoroughly. But it's up to other aldermen.

Mrs. Chambers: She actually has talked to me about where she thinks the sewer line is and she has been told that her sewer line is actually under our driveway.

Mayor Coody: Well I know that we have maps that should show pretty much where that connection is. Anyone else in the public want to address us on this issue tonight?

Karon Reese, president of Washington Neighborhood Association, asked the Council to table this item. She explained that a lot people were out of town during spring break when this was first heard and that Ms. Wilson worked with the government and was called to New Orleans. She conveyed to the Council that Ms. Wilson received the Chambers' plan on Sunday night and the other opposing neighbors, the Clarks, whose property also adjoins the property, received the plans on Monday night. She also explained that they really haven't had time to review them. They have appointments with architects to have the plans reviewed and explained to them so that they could fully understand the results or what will happen with the new proposed plans. Ms. Reese apologized to the City Council and asked them to table this item for the third time.

Cory Rogers stated he would be the contractor on the job. He expressed to the City Council all the options he and his client had explored to come to a plan that would be suitable for all. He also said that his clients loved their home, neighborhood and didn't want to move. They were a growing family and needed to be allowed to make the adjustments needed. Mr. Rogers also addressed the sewer issue by saying that they would not be doing anything that is not on the Chambers property line. He pointed out there was no easement back there and some issues may have to be addressed. Existing situations would have to be dealt with in terms of split responsibility no matter what zoning or what uses they had. Mr. Rogers reiterated that his client is an architect and that she was doing everything possible to appease the City and still be able to do what she wanted too. He states as property owners we all should be able to do within the perimeters what we wanted. They are eliminating the dilapidated structure that had a tree fall down on it close to the property line. He explained that existing building is actually closer to the line right now than the project's new building. He said he thought the proposal was making the neighborhood look better and invited the Council to go by and look at it as it was right now.

Mayor Coody informed Mr. Rogers that the Council had toured the site.

Cory Rogers explained that they were working on a small lot and the improvements needed to go up and not spread across the lot to preserve the beautiful trees. He told the Council that they talked about how to do a single story and make it work. He said the original proposal was for a full two story structure to exist just a couple of feet away from the new structure. He stated they were trying to do all they could do to make a nice structure to meet everybody's standards and make everyone happy. He said his client needs to do this and he has built high quality structures that he was very proud. He continued tell the Council how they are going to match the structure, use the same type siding as the home. The structure will be a very pretty structure with nice garage doors.

Mayor Coody thanked Mr. Rogers.

Claudette, a resident voice her opinion saying that the Chambers were right, there are many structures in the neighborhood that are closer than 8' to the property line, they existed before any ordinances, or any property lines did. She said that she was contacted by Ms. Wilson regarding the plans but she had not seen the plan as yet. She states that she wanted her contractor to look over them and explain them to her. She addressed the issue of having the right do with your property as you wish and infringement on somebody else's property and how the property owners have the right to protect their property.

Mayor Coody thanked Claudette and asked for further comment. He then closed the public comment and asks for comments from Council.

Alderman Cook moved to table the ordinance to the April 18, 2006 City Council meeting. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was tabled to the April 18, 2006 City Council meeting.

R-PZD 06-1883 Abshier Heights: An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-1883, Abshier Heights, located south of Evelyn Hills Shopping Center on Abshier and Hillcrest, containing approximately 4.11 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan. ***This ordinance was left on the First Reading at the March 7, 2006 City Council meeting. This ordinance was left on the Second Reading at the March 21, 2006 City Council meeting.***

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

City Attorney Kit Williams read the ordinance.

Jeremy Pate: We received at this meeting I'm assuming it's a draft agreement and worked out a compromise between Dover and some of the neighbors in surrounding neighborhoods and we are asking the applicant to go over those. There's a list of items that I assume needed to be incorporated within the ordinance as well as a site plan that has been passed out to you.

Tim Cooper, architect stated he represented the developer, David Chance. He said that the list and drawings which show before and after rendering shows where they started at Planning Commission. A lot of the issues that are on this list show up in the renderings as changes and so you can kind of reference those issues that were worked out. He stated some of the issues had come up in the last week and they have reached compromises to accomplish this project. He also explained the elevation changes. Mr. Cooper stated the design was real modern and they changed some of the colors to achieve a little more individuality of units. They added stones to the sides to help tie it into the neighborhood. He spoke about the reduction from 30 units to 24 units. He said the developer and the neighborhood would like to see the city install some speed bumps along Hillcrest, Abshier, Lakeridge and Oakwood. He said that the Planning Commission also agreed because it was out of their jurisdiction and they would like the Street Committee to

consider that issue. The neighborhood also wanted to have some involvement in the covenants in the POA setup of the development. The PZD would actually infill the side of the slopes in some of the bare areas to help the canopy to be continuous.

Mayor Coody: Tim I see here that you talked about speed bumps or speed tables that need to be installed on Hillcrest that will be requested of the City. Are there any other requests of the City in here? What's our obligation?

Mr. Cooper: I believe the only other obligation would be possibly the no parking signs on Hillcrest. It's something that seems to be very important to the neighborhood.

Mayor Coody: I suspect that those are both doable.

Mr. Cooper: Other than that that's it. The landscape design, Faye Jones had done a landscape design for a park and we've agreed to is that any opportunity we have for the certain species that he used on the hillside that's what we would try to use in the same situation. We've also agreed that landscaping and buffer will be added along the westside, the long piece behind the shopping center it will be a buffer between that and the C-2 shopping center there. The neighborhood also wanted input on mailbox design and signage that would be on the site, that's no problem as well. He stated they have representatives of the neighborhood that we've been working with.

Mayor Coody: We'll just enter this in with the PZD so this becomes part of the ordinance.

City Attorney Williams: We'll add a Section 5 that will refer to that.

Mr. Cooper: We respectfully request that if this development is not executed, if it is not actually built out that it would actually resort back to a previous zoning of RSF-4 instead of the C-2. It's something that's not a problem for us and I don't know how that can be done legally with it reverting back to RSF-4.

Jeremy Pate: By ordinance when a PZD for instance, is not constructed by its expiration date or does not go forward that property returns to the City Council for rezoning. It's zoned with that development plan, with that master plan in place until such time as someone wants to change that. There is a section in our code when a Planned Zoning District has essentially expired it comes back before the City Council to zone it the way they feel is appropriate. I believe the record would show that RSF-4 is obviously what has been desired at this point.

Alderman Thiel: I think most of these are great except I have some real reservations about the city spending money on speed bumps whenever the justification for that is being created by development. I don't think these aldermen have had a request for speed bumps on this area prior to this development.

Mayor Coody: If we build them will you reimburse us our cost? They are expensive.

Mr. Cooper: The speed bump was an issue in the neighborhood to begin with.

A discussion followed on the speed tables, speed bumps and the cost. Gary Dumas said they were about $3,000 each.

Mr. Wicks stated the developers have been very cooperative.

Shay Hopper stated the neighbors, staff and developers have worked very hard to come to a compromise that they all feel comfortable with. She stated there are still many neighbors in the neighborhood who disagree with the development completely. However they feel very fortunate that they are working with Mr. Chance and Mr. Cooper on this project. She stated some of the neighbors do support this agreement. They are asking the City that if for some reason this project is not executed that the zoning be reconsidered because of the historical difficulty, issues and the questions that they have addressed at several meetings. We do want that to return to RSF-4. That is very important to all of us.

David Barham stated he has never been in favor of the project and would rather see a park. He stated he really feels like the architect and the builder listened to them more than they ever expected them to. He stated he has come to the conclusion that this project is going to happen anyway and if it is going to happen he would like these developers to have it. He also voiced his concern about the traffic and the speed of traffic. He stated if this project goes through or not they need speed bumps in the neighborhood. He endorsed his support for these builders and the project they proposed.

Bob Alguire voiced his concern about the parking on Abshier. He is also concerned about the steep access to the property. He feels there are some dangerous situations that will come out of this. He voiced his concern about the traffic problems in Fayetteville. He also voiced his concern with the incorrect rezoning that happened to this property and that the City should have corrected it.

Rebecca Hass stated she was pretty mad about this. She stated that she as a neighbor just might have to give a little bit. She stated there are areas that might never need to be developed and this may be one of them and it may not be one of them. She requested a 20 foot buffer and a Bill of Assurance regarding this buffer. She feels this is a true compromise.

Mayor Coody: The 20 foot strip will be reserved and written into the PZD ordinance.

Jeremy Pate: Yes.

Mayor Coody: A PZD ordinance is better than a Bill of Assurance.

Rebecca Hass: These things get changed; a Bill of Assurance will stand unless it is abrogated. A Bill of Assurance is stronger.

Kit Williams: We can not ask for a Bill of Assurance a Bill of Assurance has to be offered voluntarily.

Alderman Marr: I do not see the buffer specifically listed. Is it something you considered to offer?

Mr. Cooper: We found that one of the big deals was that 20 foot buffer. Our buildings are 30' to 40' from the property line. Our tree preservation area is there as well. The entire site tree canopy is 17.9% and we will retain 17.5% tree canopy. That buffer should remain in tact.

Jeremy Pate: I think the buffer is protected with regard to any structures being placed in it. A comment could be added that a 20' green space along Hillcrest shall be preserved without development of any structure.

Mayor Coody: So you are offering a Bill of Assurance on the 20'of green space. Mayor Coody stated he appreciated the compromise between the developer and the neighborhood.

Alderman Thiel: I agree with you. I think the developers tried to work with the neighborhood, I think it is a good infill project and that the density is being cut down to satisfy the neighborhood.

Alderman Jordan: My concern is if we start building speed humps then other neighborhoods are going to request them and fences, etc.

Alderman Marr: I think when development comes forward and we have increased traffic counts and neighborhoods that are going to have cut through traffic and then to say we will come back and visit it later I think is bad planning. I think if we think this is an issue this is the time to ask for it. I think we need to have priorities. I am not comfortable with saying you might get it you might not get it or you can ask for it later. I think if the request is genuine it should be treated that way.

Alderman Marr moved to amend the ordinance to add that speed bumps are to be built and installed on Hillcrest, Abshier, Lakeridge and Oakwood by the City and that there will be a 50/50 cost share with the developer. Alderman Cook seconded the motion. Upon roll call the motion passed 6-2. Alderman Rhoads, Ferrell, Reynolds, Thiel, Cook and Marr voting yes. Alderman Lucas and Jordan voting no.

Alderman Reynolds moved to amend the ordinance to add Section 5. Alderman Ferrell seconded the motion. Upon roll call the motion passed unanimously.

Alderman Lucas: I am glad to see the developers and the neighborhood working together on this project. I do not want us to forget the North Street and Hillcrest intersection. That is not going to be a safe traffic corner and that bothers me. Sometimes there is property that should not be built on and maybe this is one of them. Because of the traffic and the safety issues I don't know that I can support this.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 5-3. Alderman Rhoads, Ferrell, Reynolds, Thiel, and Marr voting yes. Alderman Lucas, Jordan and Cook voting no.

Ordinance 4850 as Recorded in the Office of the City Clerk.

Amend § 163.14; Wireless Communication Facilities: An ordinance to amend § 163.14 Wireless Communication Facilities of the Unified Development Code. ***This ordinance was left on the First Reading at the March 7, 2006 City Council meeting. This ordinance was left on the Second Reading at the March 21, 2006 City Council meeting.***

Kit Williams: On April 11th I am going to meet with numerous representatives of the cell phone industry. I think we will have some changes to this ordinance. I would ask that you table this for two weeks.

Alderman Jordan moved to table the ordinance to the April 18, 2006 City Council meeting. Alderman Marr seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was tabled to the April 18, 2006 City Council meeting.

ANX 06-1935 Fletcher Williams Appeal: An ordinance annexing that property described in Annexation Petition ANX 06-1935 (CC2005-54), for property located at 354 and 370 Double Springs Road, containing approximately 9.70 acres. ***This ordinance was left on the Second Reading at the March 21, 2006 City Council meeting.***

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

City Attorney Kit Williams read the ordinance.

Alderman Jordan stated this was shown at the Ward 4 meeting and at that point in time there was talk about another development going in right behind this. He stated the Ward 4 people did not have a problem with the development and that he and Alderman Lucas had not received any calls.

Jeremy Pate stated they had spoken with property owners to the south and one annexation has been submitted. We are trying to get them together otherwise another island will be created and hopefully we can get all the property owners together and submit them at the same time. We are looking at providing a more comprehensive outlook in this area for growth.

Alderman Jordan stated one of the reasons an island was being created was because an individual has bought property and is building storage buildings to the north of that area and that is the reason they do not want to come into the City limits.

Alderman Lucas wanted to remind everyone that there is City property already west of this property across the street.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 6-2. Alderman Rhoads, Ferrell, Lucas, Jordan, Reynolds and Thiel voting yes. Alderman Cook and Marr voting no.

Ordinance 4851 as Recorded in the Office of the City Clerk.

RZN 06-1936 Fletcher Williams Appeal: An ordinance rezoning that property described in Rezoning Petition RZN 06-1936, for approximately 9.70 acres, located at 354 and 370 Double Springs Road, from R-A, Residential Agricultural to RMF-6 Residential Multi-Family, 6 units per acre, subject to a Bill of Assurance. ***This ordinance was left on the Second Reading at the March 21, 2006 City Council meeting.***

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

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-1. Alderman Rhoads, Ferrell, Lucas, Jordan, Reynolds, Thiel and Cook voting yes. Alderman Marr voting no.

Ordinance 4852 as Recorded in the Office of the City Clerk.

NEW BUSINESS:

RZN Abshier Heights: An ordinance rezoning that property located west of Hillcrest Avenue, east of Evelyn Hills Shopping Center and north of Abshier Drive containing approximately 3.5 acres from C-2, thoroughfare commercial to RSF-4, Residential Single Family, 4 units per acre.

Alderman Cook moved to table the ordinance indefinitely. Alderman Marr seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was tabled indefinitely.

Upper White River LLC, Cost Share: An ordinance waiving the requirements of formal competitive bidding and approving a cost-share with Upper White River, LLC in an amount not to exceed $17,909.00 for the upsizing of approximately 1370' of 10" water main to 12" water main; and approving a contingency in the amount of $2,686.35.

City Attorney Kit Williams read the ordinance.

Ron Petrie, City Engineer distributed handouts to the Council which contained the Ben Estates cost share, Master Water Plan, some ascending maps, and a copy of the development. He wanted to make sure that the questions from agenda session were answered regarding the developer. He stated with development in the City of Goshen we charge the same water impact fee as if they are in the City of Fayetteville and they have paid that since we've passed the impact fee ordinance.

Alderman Thiel asked if the people that lived there paid the same water rates as the rate payers in Fayetteville do.

Alderman Cook stated he believed that they are considered outside the city customers.
Ron Petrie: They do pay a different rate but I do not know what that rate is.

Alderman Thiel asked why we did not require the developer to pay for the 12" line.

Ron Petrie stated this was a 14 lot subdivision, we require a minimum of an 8" waterline. In the City of Goshen we do not require fire protection but we do require an 8" waterline which is more than enough to feed 14 lots so we can't ask for more because we are only serving them as domestic. The City of Goshen required them to put in a 10" line, since they have the ability to require fire protection they required the additional size of 10". So I would say that we would not have the authority to require the 12" unless their demand required it.

Alderman Thiel stated the reason she asked was because she still has not received a response from Mr. Jurgens in regards to whether or not something was worked out with the family that has a home at the end of the line in the city limits of Fayetteville in the vicinity where she and Alderman Reynolds lives. She does not have a confirmation whether or not that cost share has been worked out with them. She asked Mr. Petrie if he knew that.

Ron Petrie stated Mr. Jurgens told him that it would be discussed at the next Water and Sewer Committee meeting.

Alderman Thiel: I understood that it was going to be taken care of, so it hasn't been yet?

Ron Petrie: No, I would not think that it has because it would be a change in our policy to extend lines to ……..

Alderman Thiel: They are in the city limits of Fayetteville but then we're cost sharing for a developer outside the city.

Ron Petrie: That's correct. The house was existing without the water and the house was sold and bought without the water. It would be a change in policy and you might have a very long line of people wanting us to extend water to other residents in the same situations.

Alderman Thiel stated that some may have adequate water and not necessarily want to pay for city water.

Alderman Lucas: What benefit does the City have to increase this to 12"? You said it would benefit the City to cost share with the developer, why is that?

Ron Petrie stated the reason it's going to benefit the City is because we are saving money by putting it in now and using their cost of having to dig a hole and the expensive part of the project. It will benefit us in the long run based on the Master Water Plan. You have an area out there on Sassafrass Hill Rd. that's not in the City of Goshen but they have very low pressure in that area, this will create that loop around to Joyce eventually to help that situation.

Mayor Coody asked if the Master Water Plan said that we should have a 12" line out there.

Ron Petrie: Yes sir.

Alderman Lucas: And that's outside the City?

Ron Petrie stated we serve all the way to the Madison County line.

Alderman Lucas: But we don't serve the rest of the area with fire protection.

Ron Petrie: No we do not.

Alderman Lucas asked if this was a start toward that.

Ron Petrie: I wouldn't say it's a start, it's following our Master Water Plan, which was based on future fire in the area and that hasn't been worked out. We are not conceding to that in any way, we are just following our Master Water Plan.

Mayor Coody: If Goshen had not have required the 10" then we would be upsizing from 8" to a 12".

Ron Petrie: That's right.

Alderman Thiel: The constituent that contacted me with concerns is willing to share the expense. I can't support this until I know that something has been resolved with her situation.

Alderman Marr asked when the last time the Master Water Plan was looked at.

Ron Petrie: The map you have now says 1996. We have a current one that we have not accepted, we have held off accepting a new one because we are just getting a Water and Sewer Engineer to really know what we are getting. He is reviewing it and as a part of that contract we will get the computer model so we can insert new developments etc. The new Master Water Plan has not been adopted today and more than likely we will have some changes before it is. In the next few months we will have a new one submitted to the Water and Sewer Committee for review.

Mayor Coody asked if the new one would be any different in this particular case.

Ron Petrie: No.

Alderman Reynolds stated the lady that lives in our Ward that Alderman Thiel has been talking about just got her road paved last year and she does not want to upgrade her line, she would like to have a line to the City line. I'm not going to support this until we can take care of people that live inside this city.

Mayor Coody asked if it would take a main running to that house.

Ron Petrie: Yes.

Mayor Coody asked how much of a main.

Ron Petrie: I know it was across one lot but I do not know how long the lot was.

Mayor Coody: An 8" main with a fire hydrant at the end?

Ron Petrie: Yes and I believe we've tried to cost share and it's been rejected before. Maybe she has a different opinion but in approximately 1999 or 2000 I was involved with one out there and all the work was done and it was rejected. If she is interested in a cost share I think that makes it much easier to keep our current policy.

Alderman Ferrell asked to table this until after the next Water and Sewer Committee meeting.

Alderman Reynolds: I would be in favor of that until we can get an answer to our problem.

Alderman Jordan: You can just leave it on this reading.

Mayor Coody: Let's just leave it on the First Reading then and we will move along to the next item.

This ordinance was left on the First Reading.

Amend Chapter 161 Zoning Regulations and Chapter 156 Variances: An ordinance amending Chapter 161: Zoning Regulations, Unified Development Code, to provide uniform building height restrictions in Residential Single-Family Zoning Districts; and amending Chapter 156: Variances.

City Attorney Kit Williams read the ordinance.

Alderman Thiel: I brought this forward because it was brought to our attention that RSF-4 does not have a building height requirement and also various single family residential zones have various building heights and I feel like it would be a good thing to have uniformed building heights for all single family residential zones. The reason I proposed 45' is because the Council has recently adopted a new single family residential zone with that height requirement. I would like to make an amendment.

Alderman Thiel moved to amend Section 2 of the ordinance to state *the additional height requested will not adversely affect adjoining or neighboring property owners.* Alderman Marr seconded the motion. Upon roll call the motion passed unanimously.

Alderman Cook asked how we measure the height of the building.

Tim Conklin, Planning and Development Management Director: We do have a height exception under Section 164.11 in our existing UDC in our Zoning Code. With regard to the Hillside the discussion has been measuring from the historic lowest adjacent grade of the structure.

Jeremy Pate explained how height is currently measured under the current zoning ordinances.

A discussion followed on the exemptions covered under this ordinance.

Tom Terminella, a citizen asked for some clarification on what grade or curb line it's being measured by and stated that he needed a better understanding of that. He stated the question he struggles with is in the 2020 Plan, it is encouraging us to have density and to go up when we can't go out. Is 45' the right number, should it be measured in floors, is it reasonable to think somebody should be able to build a three story home that's 48' tall and not have to come to this body for a variance. He stated that he thought that was reasonable. It makes more sense to have taller structures on the side of hills than it does on the flat part. I am not sure 45' is the best number; I think it needs to be approached in floors.

Alderman Ferrell asked Tom Terminella how many feet he would consider a story.

Tom Terminella: It goes back to what is reasonable in a residential application. I think it's reasonable to build a three story residential dwelling anywhere within the city. I don't think it's reasonable to hamper or burden or restrict using footage. There is a lot of individuality that goes into the home building world and if we are diversified then why all the sudden are we saying let's preserve and lower, it just doesn't seem right. He stated that he did concur with being reasonable and not adversely affecting ones neighbor or the adjoiner and in any application three stories is reasonable.

Alderman Ferrell asked Tom Terminella if he supported three stories.

Tom Terminella stated that yes he did but he wouldn't support an arbitrary number based on somebody's opinion.

Alderman Thiel stated the reason I came up with 45' is because that is something that the Council had agreed on recently. The residential zones that we would be making uniformed have a lower height than this. This is increasing the height of the single family residential zones that do have height requirements. I felt like it was fair to go with something that this Council had reviewed and felt comfortable with. This ordinance does make a provision for granting variances and I think that it is important, that if there is justification for granting that variance then that can be considered whether we go with 45' or amend this to 48'. I did look at the stories. She went on to voice her concerns with measuring by stories.

Mayor Coody: Just as a quick calculation here, if you have a 10' wall and a 2' deep floor truss on top of that then the second floor is 9' tall with an 18" floor truss, third floor is 8' tall with an 18" floor truss it's 32' which leaves 13' for the roof to go up there.

Tom Terminella responded by saying that is one's opinion. Somebody could have three floors at 12' or 14'. Not everybody fits in the same template. We do have structures around town that would exceed these limitations but here we are encouraging density and all these things but we're told we can't go up either. Let's preserve a certain percentage of the out parcel and let's limit the height, philosophical differences; I have issues with that.

Mayor Coody: That's why we are going to be leaving it on the first reading for further discussion.

Tim Conklin responded to Alderman Thiel's comments on height limitations. He stated we do have height limitations of 30' in a couple of our zoning districts so that would increase.

Jeremy Pate: RSF-1 and RSF-2 which are also part of this currently have a 35' maximum height level so this would increase them about 10'.

Alderman Ferrell asked how long 35' had been a part of the ordinance.

Jeremy Pate: It has not been changed in quite some time.

This ordinance was left on the First Reading.

Ozark Transit Authority Agreement: An ordinance to approve an Amended Interlocal Agreement so that Lowell can join as a member of the Ozark Transit Authority.

City Attorney Kit Williams read the ordinance.

Alderman Ferrell asked if this cost the City of Fayetteville anything.

Mayor Coody stated it did not.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 4853 as Recorded in the Office of the City Clerk.

RZN 06-1949 Ellis Appeal: An ordinance rezoning that property described in rezoning petition RZN 06-1949 for approximately 6.03 acres located at 4230 Huntsville Road, from RSF-1, Residential Single Family, 1 unit per acre and RSF-4, Residential Single Family, 4 Units per acre to RSF-7, Residential Single Family, 7 units per acre.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the item.

Alderman Thiel stated that this would have benefited everybody if they would have brought this forward as a PZD rather than a rezoning because the neighbors would like to have seen a guarantee that it was going to be developed like this. The concern I have heard from both sides is that they are going to be small rental units and it would have benefited us if we could've seen this as a PZD and I wish they would've brought this forward as that. She stated there was no guarantee that it will be developed out like this and she asked Jeremy if we could hold them to this.

Jeremy Pate stated they could not hold them to a certain development pattern.

Alderman Thiel: So if they come forward with an LSD it could look like this or it could be more lots?

Jeremy Pate: It could be something different.

Alderman Thiel stated that concerns her as well as this many units going in such a narrow area. She asked if they would be required to make improvements to Huntsville Road in the area.

Jeremy Pate stated it would be likely that there would be off site improvements for this development. The more lots there are the more improvement we would like to see and it should be based on the proportionality of that impact on the infrastructure.

Alderman Thiel stated one of the developers came to the Ward 1 meeting and he contacted as many people as he could and let them know that he would be at that meeting. He has made that effort.

Robert Clay, a resident of 4186 Huntsville Rd. stated he would like this to be kept RSF-4 because you have more control over what comes in. He stated that it was hard to get out onto Huntsville Road and the best thing the Council could do for him and the community is to keep it RSF-4.

Tim Gary, a resident of 799 S. Regency stated the property in question is right behind his house and he did not know about it. He stated that he doesn't have a problem with it but he does have a problem with them putting a bunch of cracker boxes behind his house. He stated that they have worked a long time to get the property values up out there and he does not want it to go in that direction.

David Harlic, a resident of 4070 East Huntsville Rd. stated he wanted to make it known that there was an agreement with the developers and he and his wife for some screening in between their two adjacent properties and he wanted to know if he needed to make that known to the Council.

Mayor Coody asked Kit Williams if they would have to present that as a Bill of Assurance to enter it into our records.

Kit Williams: That's not going to be enforceable at this point unless the person seeking rezoning offers a Bill of Assurance to us using the proper form that I've developed. This can be

enforceable as a private agreement between the land owners but that would be something he would have to enforce himself with his own attorney. The City at this point cannot enforce that.

Cameron Bowan, a resident of 816 Regency asked how this was going to be guaranteed that if it is zoned RSF-7 how are you going to stop him from building 42 homes. He voiced his concerns with the RSF-7 zoning.

Andy Caldiero, POA President of the David Lyle Subdivision stated the property was originally developed under R-O. Sometime after the development it was changed and we only found out at this past planning meeting that it was changed to RSF-7. We don't know where, when, why or how but none of the homes in that area were developed as RSF-7, they were all developed as a RSF-4. He also stated that he was not notified about the adjacent property and he felt as POA President that he should have been notified. He stated that if Mr. Ellis would be willing to sign an assurance that his covenants or his property will duplicate the covenants currently enforced in David Lyle Subdivision we will have no problems with it from our POA.

Scott Ellis, the developer stated that he spoke with his partner and they would be more than willing to offer that Bill of Assurance that states that they won't be developing any more than 18 lots. He stated that the only reason they are asking for RSF-7 zoning is because we would like the 60' lot widths. He stated that they wanted to keep the price below $180,000 which is their intention with this project. The 60' lot width is the only reason we are asking for RSF-7 rather than RSF-4, RSF-4 has a minimum 70' lot width. If that was the case we would be losing two or three lots which we would have to increase the prices of these lots and then the builders would have to build a larger house to get their money back which was not our intention from the start with this project whatsoever. He stated that he has no problem signing a Bill of Assurance.

Mayor Coody suggested he get with Kit Williams and fill out a Bill of Assurance form.

Kit Williams stated the forms for Bill of Assurance are in the Planning Department and he recommended that Mr. Ellis go there and fill it out.

Alderman Marr: I understand you brought this zoning through as a zoning perspective and not as a PZD. RSF-7 doesn't concern me as much because I think about Washington Willow one of the highest property values in the city is built more in this area 7-10 units per acre. You can have high property value and nice homes in high density. It does make me uncomfortable to not know the quality of what you anticipate the subdivision to be. That's why many of us like the PZD process as opposed to a rezoning. The density isn't as much an issue with me as what it's going to be at that density because I can see good density with high property values in my own ward.

Scott Ellis stated that as far as the density, David Lyle Subdivision is right now at 3.67 units per acre and our 18 lots on 6 acres just comes in at 3 units per acre so our proposed density is lower than theirs. He stated that he would be more than happy to put anything in the covenants to try and reduce anyone's concerns about this.

Alderman Thiel stated I would be comfortable with this if you do offer the Bills of Assurances that have been mentioned here tonight. If this ordinance making unformed building heights in residential zones passes then you can build higher than 30'.

Alderman Reynolds: I met with Mr. Ellis, the engineer, the surveyor, Mr. Hart and his wife and we were all out on sight. The surveyor made a mistake and placed the pin in the wrong place and instead of causing a problem Mr. Ellis changed his plat to match the mistake. Mr. Ellis has gone the extra mile. He asked Mr. Ellis if he had met with Paul Wood.

Scott Ellis stated he spoke with him on the phone and he will be meeting with him tomorrow.

Alderman Reynolds stated he wants you to extend the fence on up the road behind his house.

Scott Ellis stated I was going to meet with him and walk the property.

Alderman Reynolds stated if you will work with him he is willing to work with you.

Scott Ellis: I received a message today from one other gentleman who lives at one of the houses on the front. He said that he had no problem with the project going ahead as long as there are no sound problems. He may at some point want to join in instead of having the one driveway along Huntsville Road. He may want a second outlet onto the road that we are planning on putting in so that when he pulls into his house he can pull forward onto our road and then come out and join from there. Again, I would be more than happy to work with everybody on this.

Alderman Reynolds: I thought when I left there that we have a good package now. I don't know if anything's changed with David Harlic, but I would like to hear if he's accepted the pin movement and the Bill of Assurance with Mr. Ellis.

David Harlic: I do own the property directly to the west and it is zoned RMF-24 and R-7 and my land is ready to be developed. All the property along Highway 16 in front of us, we do not own that property, so it may be considered that before development, a PZD may be appropriate since a stub road would allow infill of my property if it were to ever be developed otherwise it could be land locked. He stated that the pin that was in question was the point of beginning every time on his survey. Now that the land has been surveyed there was a dispute over that particular pin and all I know is that I do not move or remove survey pins so I respectfully requested that they not move my pins but if they really had to they could put their new survey pin in my property if it was necessary but otherwise I did not want my property boundaries moved.

Scott Ellis stated the first time he met with Mr. Harlic he did mention to me the possibility of us purchasing his land and adding onto our development. My engineers did look at it and we tried to plat it out and in all honesty the best use and value of that land is for a single family house.

Tracy Brewer, a resident of David Lyle Subdivision stated Mr. Ellis mentioned that there are seven houses being built that's under $200,000 in Fayetteville, I just wanted to let him know that most of the houses in David Lyle are selling in the $130,000-$140,000 range so it's not expensive housing at all and we're not trying to say we want real nice housing we just want it to be compatible with what we already have.

Andy Caldiero asked Mr. Williams under a Bill of Assurance can a developer initiate a covenant that any builder would have to follow the covenant.

Kit Williams stated a Bill of Assurance can basically say whatever the developer who is seeking to get a rezoning wants it to say. He can make all kinds of agreements and covenants but this is something that must be offered by the proposed rezoning owner and not something that the City Council will demand of him.

Andy Caldiero: I told Mr. Ellis in the very beginning that I had no problem if what he was telling me was exactly what he was going to do. We at this point had no assurance other than his verbal commitment. If we can get him to sign a Bill of Assurance as to the number of lots and if he would develop a set of covenants that would duplicate ours then we would be completely satisfied and not opposed at all and would encourage the development of that subdivision.

Mayor Coody stated what you might do is get with Mr. Ellis in the next week or two and this is going to be left on this reading and it will be back before us that will give you a chance to work out the language and Bill of Assurance and get that submitted to the City. Once that's done if the neighborhood is in agreement and the developer is happy then we are off to the races.

This ordinance was left on the First Reading.

Emergency and Non-Emergency Ambulance Service: A resolution to express the City Council's intent to contract exclusively using competitive procurement methods with a single entity for the provision of all emergency medical services and ambulance services for the City of Fayetteville.

Gary Dumas, Director of Operations stated we had a request from the Washington County Administration expressing their concern for the future viability of the current emergency medical service in the county and the city because an additional vendor was coming to the community. As of today we are certain they are here because they requested a Certificate of Zoning Compliance and the issue is that there is going to be a decrease in the available funding for Central EMS for the remainder of this year to provide that emergency medical service. We're at a decision point of whether we wait or if we proactively approach this and begin a process of creating franchise for emergency medical service and non-emergency service. What we are requesting to do is allow the City to participate with the County to begin that process.

Alderman Marr: We currently approved a contract for Central EMS for 2006 what was the price for services for this year.

Gary Dumas: Yes that's $300,000.00.

Alderman Marr: I just want to make sure I understand from your comment earlier that when we say we will fund the shortfall we have a contract for 2006 for what we agreed to pay. Should we be expecting something different based on the comment you just made?

Gary Dumas: I am assuming that if they do not have the amount of non-emergency service then they will not have the ability to fund the emergency services. In that if they do not have the ability to fund it then I suspect we could be facing a critical issue with the lack of emergency services.

Alderman Marr: So if they can't fulfill their contract then at that point we would be open to look at any provider to fulfill the contract for the remainder of the time period.

Gary Dumas: We would have to have some fall back plan and instead of waiting for that to occur we are proposing a proactive approach that would prevent that.

Alderman Ferrell: If we go into a public utility single provider monopoly mode and something should happen and they couldn't fulfill it, where does that leave us legally?

Gary Dumas: The way it would work is you would have a contract with that provider just like you have right now with CEMS and there will be a public expense in any emergency service provision.

Alderman Ferrell: I was talking about between now and the end of the contract cycle.

Gary Dumas: If you eliminated the competition they should be able to be revenue positive throughout the rest of the year.

Mayor Coody: They would be in a stronger financial position than they are today.

Alderman Ferrell: So there wouldn't be any opposition then to amending this resolution to say that we can pay no more than $300,000 which we've already budgeted for this year.

Alderman Ferrell made a motion to amend the resolution that the City would not fund anymore than $300,000 during the 2006 budget year for CEMS.

Gary Dumas: Before you vote on it, we are not proposing that you immediately implement the public utility model or eliminate the competition from the market place at this time. Any reasonable approach you are going to have to give the other providers who are in the area an opportunity to change their business and that's probably six months or so which is the end of the year anyway. With the other providers in place CEMS is going to be in a potential deficit situation so the remainder of this year there is going to be a problem. That's why we are proposing that you begin immediately January 1, 2007 with a new provider in place and a new contract. I think the remainder of this year we are going to have a problem and I wouldn't recommend eliminating the other providers that are in town.

Mayor Coody: So this is saying that the City has the intent which gives everyone a heads up on what we are considering so there wouldn't be a surprise to anyone.

Gary Dumas: We would form the public utility board and they would request proposals for that new provider.

Alderman Ferrell: So what you're saying is the people that are in business now are going to be in business for sometime or until January 1, 2007.

Gary Dumas: Yes, before it is in place and operational. The board that operates it will solicit RFP's for all qualified providers and go forward from that.

Alderman Ferrell withdrew his amendment.

Alderman Reynolds stated he did not understand what was going on with CEMS. We have been going on for years, they have been operating with the money and all of the sudden we've got 20,000 more people living here, surely they are doing a lot more business. Is someone not paying their bills or what's going on with the money from this population explosion that all of the sudden they are short of money that we have to start putting more money in the pot.

Gary Dumas: That is a question that only they can answer but if you look at how much the City of Fayetteville has contributed since 2004 I expect that will continue to increase.

Alderman Reynolds: It looks like to me that is where the problem is because they have got to be doing the business.

Tony Hickerson, Administrator of CEMS stated as far as the funding goes emergency volume has gone up which is the most expensive component of EMS while the non-emergency volume has gone down over the last several years due to competition from other providers. Our collection average is about 55%, that's after write off's and so forth. It's about 18% of net charges but many of our charges won't be paid because the government requires them to be written off.

Alderman Thiel: This resolution doesn't mention CEMS a lot. We're not really discussing CEMS.

Mayor Coody: This is basically the intent that we would go with a single provider.

Alderman Thiel: I understand there is a new one that has moved into the area that is going to be competing for this against EMS and possibly the non-emergency company that we have in Springdale.

Gary Dumas: The only reason CEMS is involved in the conversation is because they are the current emergency service provider but we will solicit proposals from the most qualified for future providers.

Alderman Ferrell stated in a previous agenda packet it talked about that CEMS wanted to be the emergency public utility model starting immediately and then wait until January 1, 2008 to have all the RFP's out and field that. So I think that is where a lot of that confusion came from. He went on to speak about collectible and uncollectible dollars.

Tony Hickerson stated last year we received $250,000, $300,000 was allocated, $50,000 went to the consultant for the study and the contract we just signed for 2006 was also for $250,000 and not $300,000.

Mayor Coody: Thank you for the clarification.

Gary Dumas responded to Mr. Ferrell by saying I think you are correct, there will be a public subsidy no matter what the future holds.

Alderman Ferrell: I think there will be more.

Alderman Jordan: So even if we go with the public utility model or not there will be subsidy.

Gary Dumas: I think so.

Mayor Coody: But that would depend on the proposals.

Gary Dumas: All we are trying to do is minimize the public subsidy.

Alderman Marr: What are we paying so that when someone comes to me I know what the gap is. He stated that in the agenda packet it stated that the City budgeted $300,000 for services. Is it $250,000 or $300,000?

Gary Dumas: I don't know what the contract is; I know that the budget is $300,000.

Tony Hickerson: His contract states $250,000.

Alderman Marr: Which brings another question, why would you have something budgeted that isn't in the contract?

Mayor Coody stated we will check on that tomorrow. There might be contingency money in there for all I know.

Russ Green, CEO and Administrator of Physicians Surgery Center: My line of business is along the lines of non-emergency transfers and this will impact my business tremendously. He went on to describe services his business provides. He stated their issue is if you do this and you make all emergent and non-emergent one company we're stuck and we can't transfer our patients. He asked the council to please not allow this to happen.

Rick Wilcox stated the big problem he has other than losing his business is the blind assumption that non-emergency transfers are automatically a profitable entity. He went on to describe research that he has conducted and he stated that when you break down the numbers on all of those, none of those indicate that any of the agencies are capable of making money on the transfer end. He responded to Russ Greens comments on the problems with the non-emergency side of the business and he stated they are the same problems on the emergency side of the business.

Sondra Smith, City Clerk stated I have pulled up the resolution that was passed in March and the Central EMS contract is for $250,000.

Mayor Coody: So the $300,000 number is wrong?

Gary Dumas: Well that's the budget I didn't look at the contract.

Alderman Thiel: I think the idea behind this is it will not increase as much. Some of the concern of the Council may be because of some of the providers. I am looking at this potential

for a new provider coming into the area that might have the resources available to start this service up doing both non-emergency and emergency. This is just a resolution to express the City Council's intent to contract exclusively I guess that means there will be more discussions about it.

Mayor Coody stated this does not bind us to do anything.

Alderman Thiel moved to approve the resolution. The motion failed for lack of a second.

Alderman Lucas: I think we need to think about this a little more. I would want an assurance that the provider that we get can do transfers. This is a real concern because hospitals and nursing homes are under guidelines that they can keep patients only so long and so this is a real concern. It sounds good, but I wonder if there is someway we can get answers about that before we jump into this.

Alderman Marr: I've heard one thing that Shirley wants to see, are there other items? When I hear a new provider is coming to town, to rush to do this it concerns me because how do we know that's not a potential provider to just negotiate a contract in the same way that we do today to do an RFP versus having to change our model. That's where I do not understand fully that that's the only solution.

Mayor Coody: We are going to solicit people to bid on it if we do this or if we don't.

Alderman Marr: But we are making a commitment that that boundary is a closed boundary and without knowing whether anyone would bid on it in an open boundary and maybe they won't and that's why we're going down this road but in other RFP's we do put it out and if we do not get a response then we change our plan. Before we go to close our boundary we should see if we have any interest in an open boundary.

Alderman Reynolds moved to table the ordinance to the April 18, 2006 City Council meeting. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was tabled to the April 18, 2006 City Council meeting.

Annexation Study Committee: A resolution establishing an Annexation Study Committee to provide analysis and recommendations for annexation options in West Fayetteville.

Gary Dumas: The purpose of this is there is growing pressure on the western boundary of Fayetteville and we thought it would be appropriate that there be some council discussion on what the impact of that annexation might mean for Fayetteville. The study committee is comprised of one council person and a few members of the city staff with a report back to the council in four weeks.

Alderman Ferrell: If there was a particular reason it was just west Fayetteville. Was it because of the rapid growth out there?

Gary Dumas stated I think the reason it was just west Fayetteville now is because there is annexation discussion by Farmington on the west side reaching all the way from Highway 62 to Highway 16 which would essentially forbid Fayetteville's expansion in that corridor.

Mayor Coody stated we do need to visit the annexation policy city wide but this is on the front burner.

Gary Dumas: Yes, perhaps after this the Council may want to extend the committees scope.

Alderman Lucas: I agree about the city wide thing. The thing that bothers me about this is that we're being reactive instead of proactive and so I hope for the rest of the city we can be proactive if we're interested in annexation in other areas.

Mayor Coody: The City Council person I've asked to be on that committee is Shirley Lucas.

Alderman Marr: Is there information that has already been collected that can speed up the process of what is going to be brought back or are you planning on starting this from a whole new perspective.

Alderman Lucas: I don't anticipate that. We've gathered a lot of information and ultimately it's going to be a Council decision but I think we can look at different aspects of the area out there and see if it's something the City can serve or what the City might want in the city limits and things like that.

Alderman Marr asked is there a time frame or a deadline or an end to this Ad Hoc committee that we are creating.

Gary Dumas: Four weeks.

Alderman Marr moved to amend the resolution to add a deadline of four weeks for the Annexation Study Committee. Alderman Jordan seconded the motion. Upon roll call the motion passed unanimously.

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

Resolution 66-06 as Recorded in the Office of the City Clerk.

Waive §166.17 Suspending Issuance of Permits Pending Zoning Amendments: An ordinance to waive §166.17 Suspending Issuance of Permits Pending Zoning Amendments in relation to the proposed Divinity Condos project.

City Attorney Kit Williams read the ordinance.

Alderman Ferrell: I think it is a good idea instead of keeping something dead in the water to move them forward. I support the passage of this.

Alderman Marr: As I said at the agenda session we have different reasons for bringing it forward. My first reason is that I believe that we should be consistent in our application of when something passes the Planning Commission and we decide that it is going to be a 90 day stay as with this ordinance then it should be consistent in our other ordinances. Our Hillside Ordinance also passed the Planning Commission which did not have this stay. The second reason is timing; I think we have a 90 day waiting period of which we are 40 plus days through it. I don't expect based on the number of meetings that I have had with neighborhood associations, just in the last week within my ward, on the downtown code that we will finish the debate at Ordinance Review and get it in front of the Council and have three readings prior to the 43 days remaining in the timeframe. This project will continue to proceed at the end of that time period. So in essence I believe we are pushing something back that is going to take place. The third reason that I did this is maybe it is selfish that I want this debate and I want it while people are engaged and while people are passionate on each side of the issue. In 45 days from now on the second week of May the University lets out and people tend to leave the community and I would rather have the debate today. I think there is a lot of passion in specific discussion about the height and compatibility. I think our current ordinances allow us to evaluate those things at the Planning Commission standpoint. I am not in support of this project at this height. I am in support of getting that debate started now. I think the quicker that we do that, the easier that we make it for people that are reading it every day in the paper; the better it is for our community to have that debate. That is why I support this waiver. I don't think it is going to protect us because I have neighborhoods telling me that they are concerned about many of the things in the downtown code that are being pushed forward in their opinion as a measure to stop this project. That has a longer term impact, about zoning use codes and uses within codes within the downtown area that I don't think it is fair for people who have concerns on that to push it through just because we have one project that has some compatibility issues that we don't like. Those are my reasons.

Mayor Coody: Is there anything that we are pushing through to stop this?

Alderman Ferrell: The 90 day deal.

Mayor Coody: Is the 90 days what you are talking about or are there other items.

Alderman Marr: The fact that we have our Downtown Code and it has gone to the Planning Commission. I have a list of three pages from west Lafayette Neighborhood Historic District, the Dickson Street Neighborhood District, my point being that the items that they are bringing forward are in this same downtown code boundary zoning districts and they feel like that right or wrong that it has been pushed through a public comment meeting without much reaction. Because the Planning Commission isn't a political body, they are not an elected body, they are an appointed body and they are looking forward to that discussion at the Council level where things are more political. When we talk about should an entertainment boundary go between parcels or not, is one area that one neighborhood talks about, whether the process is speedy, whether the historic property listing is correct, whether conditional use for outdoor music should be continued, whether eating places should be allowed in the green zone district and on and on..

Mayor Coody: I misunderstood; I thought there was the idea that the staff was trying to push something through.

Alderman Marr: No. Concerns that the citizens want more feedback on the Downtown Master Plan Code Zoning Districts and they don't want that rushed because in that code is a six story height restriction that would help protect it from this building. I think we can have that debate without rushing our other codes.

Mayor Coody: Yes absolutely. I think the staff probably agrees with that as well.

Alderman Marr moved to amend the ordinance to read between Church and Block. Alderman Jordan seconded the motion. Upon roll call the motion passed unanimously.

Alderman Ferrell: However it comes out it is a tremendous infusion of capital that is planned.

Glen Sowder, a citizen stated it is absolutely delightful that at no expense to the citizens of Fayetteville that we get 300 plus parking spaces on Dickson Street. He suggested the builders and developers stub in utility connections in case the rooms didn't make it as hotel rooms they could be turned into condos or residential rentals.

Mayor Coody asked if Glen had a comment on the 90 day waiver ordinance that is before us.

Glen Sowder: Yes absolutely. Let's move it forward as quickly as possible.

Mayor Coody: So you are in support of the motion on the ordinance.

Glen Sowder: Yes.

Nancy Allen, a citizen of Ward 2: I have real concerns about buildings on Dickson Street and I hope as this comes forward to you in the Downtown Master Plan that you will think long and hard about heights and compatibility. She submitted 124 signatures to the City Council from people who have deep concerns about Dickson Street.

Fran Alexander, a citizen read comments sent by Colleen Gastin. In the letter Colleen stated this is simply to express my support for City Planning and restrictions that ensure the development of our downtown area remains compatible with the areas existing character. Fran went on to ask the Council about a memo she received from Jeremy Pate regarding the Commercial Design Standards on height. She stated she wanted to understand the process that we are going through.

Jeremy Pate: An appeal of a Large Scale Development project would come before the City Council so if the Planning Commission denied a Large Scale Development or Preliminary Plat that appeal comes before the City Council and that is the final say on that matter.

Alderman Marr: If that passes the Planning Commission an Alderman can also appeal that passing to the City Council.

Jeremy Pate: That's correct.

Fran Alexander: So you are saying this isn't the way it would go for this particular Large Scale Development.

Jeremy Pate: The actual Large Scale Development approval or denial appeal would come to the City Council. The interpretation of a section of the code goes to the Board of Adjustments.

Fran Alexander: Would there not be any way to appeal a Board of Adjustment decision.

Jeremy Pate: No, that's Circuit Court.

Fran Alexander: If heights and design standards do not carry the legal weight that this ordinance seems to say it would have I'm afraid we might have the same situation we had with the nine story building. I hope this discussion goes forth with equal weight on the height issue so that it is not simply taken to the Board of Adjustment and dropped there. I hope there is some way we can build in that that this will continue to be before you. I urge you to consider this before we go forward.

Mayor Coody asked Kit Williams if he concurred with Jeremy's interpretation.

Kit Williams stated he did and he went on to explain that according to the Unified Development Code the Zoning Development Administrator is responsible for the interpretations in that section of the Code.

Alderman Marr: In the Planning Commission Subdivision meeting there were three Planning Commissioners, two voted to deny this development at the Subdivision level and one did not. Two sited compatibility as issues and one sited that height could not be considered as compatibility. Since you are our person, it is important to me to understand whether you believe height is a compatibility consideration.

Jeremy Pate: Yes I believe height is an issue that can be considered because of the section in which compatibility is located which is the construction and appearance of nonresidential structures. It is my interpretation that the appearance of a building height does have an effect on the appearance of a structure. In the Subdivision Committee they did vote to forward that action. The applicants requested that it go ahead and be forwarded to the full Planning Commission for that debate to occur with the understanding that 2-1 it would be for denial.

Alderman Ferrell asked Kit Williams if he could repeat his interpretation.

Kit Williams repeated his previous comments regarding the Zoning Development Administrator being responsible for interpretations.

Alderman Marr asked Jeremy Pate so there is nothing in your opinion based on the code that this project could not be appealed by the applicant or by a City Council member based on the Planning Commission's action of approval or denial?

Jeremy Pate: Correct, to appeal approval or denial of that Large Scale Development application.

Alderman Thiel: I just don't want to have the pressure of rushing discussion on the Downtown Master Plan. At the next meeting there is going to be something come forward about height requirements in commercial zones which might address this also. For that reason I would probably go ahead and support this even though I did have some concerns about it.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Mayor Coody stated 95% of the concerns that I've heard about this project aren't about the project itself but about the height of the building.

Karon Reese, a citizen stated our neighborhood is very opposed to a 15 story structure on Dickson Street. I really want to encourage you to consider that infill can be accomplished and I think it's important to think about diversity and if we allow this structure then we aren't encouraging diversity because the incentive is to go vertical. This issue was discussed at the last Washington Willow Neighborhood meeting and 98% of our neighborhood feels very strongly about the height issue and many believe that six stories is to much. The majority of the people that I have talked to everywhere are against this structure.

Irene Pritchard, a resident of 339 N. Gregg Street stated that right now the people that live downtown have very little protection. If we give up the 90 days and it comes back to you all and you approve it we have no recourse. I'm hoping within the next 45 days that you will get the Master Plan done because right now anybody can come in and do anything in our area. We need some protection today before another developer comes in and says we want to build a 20 story building.

Todd Wood, a representative of Barber Group and Barber Properties stated there are practical reasons as to why we are doing what we're attempting to do. To pass this Downtown Master Plan within the next five weeks is a difficult task to say nothing of the benefits of a full discussion with regard to the plan itself. Where we are going to end up is this project must stand or fall on its own merits and that's what allowing this 90 day waiver would allow.

Jo Anné Kvamme, a representative of Root Neighborhood Association stated we need to move very carefully. The City has spent a lot of money to have someone talk to many people in the community to get ideas on what the community wants. I question why would a developer come in and ask for something that is so far out of the realm of what the City has already said and then we have to rush through it. I'm not convinced that that's good for any of us.

Mayor Coody stated I don't believe we're trying to rush through anything. If we were trying to rush through it would have been done already.

Jo Anne Kvamme: I am leery that this is going to go forward too fast and it is so different from everything else.

Mayor Coody: I think the intent was to not get the project approved fast but get the debate going quickly.

Alderman Marr stated I have my own concerns about these fifteen stories but the reality of it is that we can say we're being protected by this code but we aren't. I can tell you the Downtown Code is not going to the Ordinance Review until April 11, 2006. He went on to describe the timeline of the Downtown Master Plan Adoption. He stated why rush to debate something that isn't going to protect us anyway. We're acting like the six story height limit in the code isn't going to be a debated item. This very building alone should tell us it's going to be a debated item. There are other ways to do it instead of rushing this code. We are going to have that debate right now and I'd rather do it before school's out and not be sitting here 46 days later and having the developer saying we're right where I told you we would be. Your code is not done, you made me wait 45 days and now I'm starting. I'd rather say if I don't like your project I'll tell you that now.

Joanne Kvammi: Please remember that then, because this is very distasteful to a lot of people.

Alderman Lucas stated this ordinance that we're suspending was put in for a purpose. I am not opposed to development on Dickson Street. I've gotten emails and people are opposed to the 15 stories and I don't think it's going to make a difference as to discussion. It bothers me to remove this ordinance because it's there for a purpose when we are discussing something to give 90 days so that nothing is rushed in to be achieved before the 90 days are up. That's the reason I am voting against it.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-1. Alderman Rhoads, Ferrell, Jordan, Reynolds, Thiel, Cook and Marr voting yes. Alderman Lucas voting no.

Ordinance 4854 as Recorded in the Office of the City Clerk.

Meeting Adjourned at 10:10 PM.

Dan Coody, Mayor

Sondra Smith, City Clerk/Treasurer