

Aldermen

Ward 1 Position 1 – Robert Reynolds
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Gordon Allen
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

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith



**City of Fayetteville Arkansas
City Council Meeting Minutes
November 21, 2006**

A meeting of the Fayetteville City Council was held on November 21, 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 Reynolds, Cook, Allen, Rhoads, Ferrell, Lucas, Jordan, Mayor Dan Coody, Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Alderman Thiel was absent.

Pledge of Allegiance

Nancy Gordon Allen Oath of Office by Judge Rudy Moore

Alderman Allen thanked her friends and family for their support.

Alderman Cook announced the Board and Committee openings and encouraged citizens to apply for the open positions.

CONSENT:

Approval of the October 17, 2006 City Council meeting minutes and the October 19, 2006 Special City Council meeting minutes.

Approved

Baird, Kurtz & Dobson (BKD), LLP: A resolution approving the annual contract renewal with Baird, Kurtz & Dobson (BKD), LLP, in the amount of \$65,000.00 to provide independent audit services to the City of Fayetteville.

Resolution 189-06 as Recorded in the Office of the City Clerk.

The Southern Company NLR, Inc: A resolution approving a contract with The Southern Company of NLR, Inc. in the amount of \$231,738.00 for the purchase and construction of fuel tanks and dispensing system at the Happy Hollow Maintenance Complex; and approving a budget adjustment in the amount of \$256,738.00 which includes \$25,000.00 for site preparation, concrete and asphalt.

Resolution 190-06 as Recorded in the Office of the City Clerk.

Williams Tractor Company: A resolution awarding Bid #06-61 and approving the purchase of one (1) Medium Track Excavator from Williams Tractor Company in the amount of \$98,747.00 for use by the Transportation Division; and approving a budget adjustment in the amount of \$100,000.00.

Resolution 191-06 as Recorded in the Office of the City Clerk.

Alpha Utilities, Inc: A resolution approving a contract with Alpha Utilities, Inc. in the amount of \$1,185,000.00 for improvements to the 36" and 42" water transmission mains from Beaver Water District to the City of Fayetteville; approving a four percent (4%) contingency in the amount of \$47,000.00 and approving a budget adjustment in the amount of \$734,677.00.

Resolution 192-06 as Recorded in the Office of the City Clerk.

Garver Engineers, LLC: A resolution awarding an engineering contract to Garver Engineers, LLC in an amount not to exceed \$227,550.00 for traffic studies, conceptual design services, surveys, and related services associated with the Cato Springs Road (Technology Corridor) Project.

Resolution 193-06 as Recorded in the Office of the City Clerk.

CEI Engineering Associates, Inc: A resolution awarding an engineering contract to CEI Engineering Associates, Inc. in an amount not to exceed \$88,380.00 for survey, design and bidding services associated with the Gregg Avenue Improvements Project.

Resolution 194-06 as Recorded in the Office of the City Clerk.

Carter & Burgess, Inc: A resolution awarding an engineering contract to Carter & Burgess, Inc. in an amount not to exceed \$233,148.00 for survey, design, bidding and related services associated with the Garland Avenue (Highway 112) Improvements Project between I-540 and Howard Nickell Road.

Resolution 195-06 as Recorded in the Office of the City Clerk.

Wayest Safety, Inc: A resolution awarding Bid #06-62 and approving the purchase of replacement personal protective equipment from Wayest Safety, Inc. in the amount of \$159,740.00 for use by the Fayetteville Fire Department.

Resolution 196-06 as Recorded in the Office of the City Clerk.

Fayetteville Natural Heritage Association, Inc: A resolution to apply the cost of up to \$80,000.00 of the pavilion to be built in Mount Sequoyah Woods to the remaining \$100,000.00 due for the purchase of all developmental rights in Mount Sequoyah Woods by the Fayetteville Natural Heritage Association, Inc.

Resolution 197-06 as Recorded in the Office of the City Clerk.

Alderman Jordan moved to approve the Consent Agenda as read. **Alderman Reynolds** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Thiel** was absent.

PUBLIC HEARINGS:

Mayor Coody Opened the Public Hearing.

Buffco Inc. Taxi Service: A resolution granting a Certificate of Public Convenience and Necessity to Buffco Inc. for the operation of four (4) to ten (10) taxicabs within the City of Fayetteville, Arkansas. *This resolution was tabled at the November 7, 2006 City Council meeting to the November 21, 2006 City Council meeting.*

Greg Tabor, Police Chief: We have been provided with all the paper work necessary for this certificate, therefore I recommend approval.

Alderman Ferrell moved to approve the resolution. **Alderman Jordan** seconded the motion. Upon roll call the resolution passed 7-0. **Alderman Thiel** was absent.

Resolution 198-06 as Recorded in the Office of the City Clerk.

Mayor Coody Closed the Public Hearing.

UNFINISHED BUSINESS:

R-PZD 06-2191, University Club Tower: An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-2191, University Club Tower, located north of Lowe's Home Center, east of College Avenue (Highway 71), containing approximately 10.39 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 November 7, 2006 City Council meeting.*

Alderman Jordan moved to suspend the rules and go to the second reading. **Alderman Reynolds** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Thiel** was absent.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Current Planning gave a brief update on the PZD. He asked the City Council to amend the PZD to reflect the updated conditions of approval. He also stated the applicant worked with the City Engineering Division to come up with an alternative alignment

for the street that would hopefully save the existing spring house structures. He stated staff is supportive of this request.

Alderman Ferrell moved to amend the ordinance to accept the amended Conditions of Approval. Alderman Reynolds seconded the motion. Upon roll call the motion passed 7-0. Alderman Thiel was absent.

Ron Petrie, City Engineer explained to the Council the reason for a private street instead of a public street.

Alderman Ferrell moved to amend the ordinance to approve a Private Street for the development. Alderman Reynolds seconded the motion. Upon roll call the motion passed 7-0. Alderman Thiel was absent.

Jeremy Pate: The plats that were passed out tonight differ from those that you had. This different plat is an effort to meet the City Council desires to protect the existing canopy and the spring house and springs that are in this location.

Mayor Coody: Will we be losing that old rock built up spring area or will this preserve that.

Daniel Ellis, Crafton, Tull, and Associates: This alignment is still impacting the spring closest to College Avenue. There is alternative to avoid that but it will regard some work with our neighbor to the north. We just need to get with him and get that done.

Mayor Coody: Can we amend this to move that road to the north to stay away from the spring?

Jeremy Pate: You would need to adopt a new condition of approval. Jeremy read the condition of approval.

Alderman Cook: I agree those spring houses should be preserved, to accommodate that they are going to have to deal with the owner to the north. So we do not know what the out come of that negotiation will be.

Daniel Ellis: There is already existing documents in place that allows for access easements on neighboring properties in this subdivision.

Alderman Cook: I would feel better if we knew exactly what was going to happen.

Dave Chapman stated we would like to save this spring too but there is also the face of the bluff that needs to be saved. It will require an easement from Mr. Pitts. Maybe he will work with us.

Alderman Rhoads: Do you have the easement now?

Dave Chapman: No.

City Attorney Kit Williams: The easement was to provide a city street not a private street.

A discussion followed on the street and the location of the street and the project itself.

Alderman Rhoads moved to amend the ordinance to accept the New Plat that was provided at the City Council meeting. Alderman Ferrell seconded the motion. There was no vote on the motion.

This ordinance was Left on the Second Reading

R-PZD 06-2256, 932 Garland: An ordinance establishing a Residential Planned Zoning District titled R-PZD 06-2256, 932 Garland, located at 932 Garland, between Berry and Hughes Street, containing approximately 0.84 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 November 7, 2006 City Council meeting.*

Alderman Reynolds moved to suspend the rules and go to the second reading. Alderman Rhoads seconded the motion. Upon roll call the motion passed 7-0. Alderman Thiel was absent.

City Attorney Kit Williams read the ordinance.

Jeremy Pate: The applicant can not be present for this meeting so they would like this left on the second reading.

This ordinance was left on the second reading.

ADM 06-2324 Amend Title XV: DMP Supplementary District Regulations: An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend various sections of the code in order to implement the Supplementary District Regulations for the Downtown Master Plan Area. *This ordinance was left on the Second Reading at the November 7, 2006 City Council meeting.*

Alderman Reynolds moved to suspend the rules and go to the third and final reading. Alderman Cook seconded the motion. Upon roll call the motion passed 7-0. Alderman Thiel was absent.

City Attorney Kit Williams read the ordinance.

Tim Conklin, Planning & Development Management Director: You received a memo from our City Attorney regarding Exhibit E which discusses the sign ordinance and the issue of banners, our City Attorney is asking for additional time to work on that. Staff is recommending you pull out that part of the ordinance.

Alderman Cook moved to amend the ordinance to remove Section 4 from the ordinance. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Thiel was absent.

Alderman Jordan moved to amend the ordinance to add Section 4 back into the ordinance and to remove Section 5 from the ordinance. Alderman Cook seconded the motion. Upon roll call the motion passed 7-0. Alderman Thiel was absent.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Thiel was absent.

Ordinance 4946 as Recorded in the Office of the City Clerk.

Emerald Point ADM 06-2282 Appeal: An appeal of the Planning Commission's decision regarding ADM 06-2282 (Emerald Point). ***This appeal was Tabled at the November 7, 2006 City Council meeting to the November 21, 2006 City Council meeting.***

Jeremy Pate: The applicant can not be present tonight and would like to table this appeal.

Alderman Jordan moved to table the appeal to the December 5, 2006 City Council meeting. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Thiel was absent.

Sunbridge Villas R-PZD 06-2213 Appeal: An ordinance establishing a Residential Planned Zoning District Tiled R-PZD 06-2213, Sunbridge Villas, located northwest of Sunbridge Drive and Villa Blvd., containing approximately 20.92 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 November 7, 2006 City Council meeting.***

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Reynolds seconded the motion. Upon roll call the motion passed 7-0. Alderman Thiel was absent.

City Attorney Kit Williams read the ordinance.

Jeremy Pate: The applicant is requesting this item to be left on the second reading.

This ordinance was left on the second reading.

NEW BUSINESS:

RZN 06-2291, HWY 16 Animal Hospital: An ordinance approving RZN 06-2291 submitted by Jorgensen and Associates for property located at 2805 East Huntsville Road, for approximately 3.42 acres, rezoning the subject property from RSF-1, Residential Single-Family, one unit per acre, R-A, Residential Agricultural, and C-1, Neighborhood Commercial to C-1, Neighborhood Commercial.

City Attorney Kit Williams read the ordinance

Jeremy Pate gave a brief description of the rezoning. He stated Planning Commission voted 6-0 in favor of this request and Planning staff is recommending approval of this project.

Alderman Cook asked how this fits in with the Future Land Use for 2025.

Jeremy Pate stated it would be a city neighborhood area and would fit very well within that classification.

Alderman Jordan moved to suspend the rules and go to the second reading. **Alderman Ferrell** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Thiel** was absent.

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 7-0. **Alderman Thiel** was absent.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. **Alderman Thiel** was absent.

Ordinance 4947 as Recorded in the Office of the City Clerk.

R-PZD 06-1884, Westside Village: An ordinance establishing a Residential Planned Zoning District Titled R-PZD 06-1884, Westside Village, located south of Wedington, east of Ruppel Road, containing approximately 21.63 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan.

City Attorney Kit Williams read the ordinance

Jeremy Pate gave a brief description of the RPZD. Jeremy also explained the proposed conditions of approval for the project.

Alderman Jordan moved to suspend the rules and go to the second reading. **Alderman Reynolds** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Thiel** was absent.

City Attorney Kit Williams read the ordinance.

Todd Jacobs, project manager gave a brief history of the project.

Richard Alexander, developer, also gave a brief history of the project and the process.

Mayor Coody: This is a big improvement over what could have been in this area. We appreciate your willingness to try to do a better design.

Alderman Lucas expressed her concern about the connectivity and the private versus public street.

Alderman Cook: I want to be clear before we approve this that connectivity will be provided.

A discussion followed on the parking and reduced street widths.

City Attorney Kit Williams discussed the stub outs. He proposed they dedicate and build out the streets within a foot of the property line so there is no question what is going to happen in the future.

Alderman Cook: Do we know what kind of uses will go into this commercial retail space?

Richard Alexander: We are anticipating a mixed use, live, work, office, commercial, a coffee shop, dry cleaning shop, light commercial use.

Alderman Jordan: This is not anything we can't work out. Compared to what we could have in there, this was shown at the Ward 4 meeting and everybody loved it. I think this is the kind of development we need.

This ordinance was left on the second reading.

VAC 06-2290, Grubbs: An ordinance approving VAC 06-2290 submitted by Richard L. Grubbs for property located at Lot 6 Block 1 of the Northpoint Subdivision on Point Circle, vacating a portion of a utility easement on the subject property.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the vacation. He stated Planning Commission and staff is recommending approval.

Alderman Cook moved to suspend the rules and go to the second reading. **Alderman Lucas** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Thiel** was absent.

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 7-0. **Alderman Thiel** was absent.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. **Alderman Thiel** was absent.

Ordinance 4948 as Recorded in the Office of the City Clerk.

ADM 06-2252 Future Land Use Map: A resolution adopting the Future Land Use Map and associated text as part of the City Plan 2025 Comprehensive Land Use Plan for the City of Fayetteville.

Tim Conklin stated Planning Commission voted 6-1 in favor of the plan. He said public comments are included in the agenda packets.

Karen Minkel gave a PowerPoint presentation showing the map. She stated this map has gone through a lot of review.

Alderman Cook: What was the process to form the sector map and the zoning map to make this map that we are seeing?

Karen Minkel: We are not using this map to replace the sector map. We did use the sector map to look at areas that were targeted for growth.

A discussion followed on the different use areas of the map.

Alderman Lucas expressed her concern about needing more industrial areas.

Don Conner asked about an area on Mission Boulevard and the proposed use for that section.

Tim Conklin stated they thought there was an opportunity to look at how to incorporate within our City Plan 2025 Future Land Use Map the undeveloped area within east Fayetteville to create more of a complete plan.

Don Conner stated that area is designated by the Fayetteville Natural Heritage Association's study as urban forest. It is designated as being preserved yet it is being shown as dense development.

Alderman Ferrell: Is this something the Council voted on in the past?

Don Conner: No it never made it to Council.

Alderman Allen: I am confused about how the Future Land Map would be altered because of the possibility of a project that isn't approved.

Mayor Coody: We can change the zoning in the future.

Tim Conklin: That is correct. The map is a guide and can be changed.

Alderman Jordan moved to table the resolution to the December 5, 2006 City Council meeting. **Alderman Lucas** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Thiel** was absent.

This resolution was Tabled to the December 5, 2006 City Council meeting.

Assign Annexed Territory to Ward 4: An ordinance to attach and incorporate approximately 1,419.3 acres of land into the corporate limits of the City of Fayetteville pursuant to the annexation election of October 10, 2006, assign all this territory to Ward 4 and to assign the zoning designation of R-A to all parcels.

City Attorney Kit Williams read the ordinance.

Alderman Cook asked if this affects the ward redistricting.

City Attorney Kit Williams: I have asked Mr. Conklin to provide me the census figures by precinct so we can look at them in the current ward situation and see if the population figures differ very much from ward to ward. If they are pretty similar between the wards, then we don't need to do anything, we can wait until 2010. If there is a large imbalance between the wards we will bring it to the City Council with some proposals and make some minor modifications between the wards to try to make the population figures fairly equal between the wards again. I do not have that information yet.

Alderman Cook: Is that something we as a city do.

City Attorney Kit Williams: The city does it.

Alderman Jordan moved to suspend the rules and go to the second reading. **Alderman Lucas** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Thiel** was absent.

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 7-0. **Alderman Thiel** was absent.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. **Alderman Thiel** was absent.

Ordinance 4949 as Recorded in the Office of the City Clerk.

J.B. Hays and Charles Sloan Land Sale: An ordinance to waive the requirements of §34.27 of the Fayetteville Code of Ordinances and to authorize the sale of approximately 36.62 acres of the Westside Treatment Plant site to J.B. Hays and Charles Sloan for \$1,166,367.00.

City Attorney Kit Williams read the ordinance.

Alderman Cook: Persimmon will connect through?

Tim Conklin: It will continue through.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Reynolds seconded the motion. Upon roll call the motion passed 7-0. Alderman Thiel was absent.

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 7-0. Alderman Thiel was absent.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Thiel was absent.

Ordinance 4950 as Recorded in the Office of the City Clerk.

Harmony Pointe and Copper Creek Playgrounds: An ordinance waiving the requirements of formal competitive bidding and approving the purchase of playground equipment from Game Time by Southwest Parks & Playgrounds, L.P. in the amount of \$85,161.00 for Harmony Pointe and Copper Creek Parks.

City Attorney Kit Williams read the ordinance.

Mayor Coody: Why should we waive competitive bidding on this?

Connie Edmonston, Parks & Recreation Director: We are getting 50% off the list price of the playgrounds. That is pretty much unheard of. This company is very strong on helping to fight childhood obesity. We will bid the installation out.

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Jordan seconded the motion. Upon roll call the motion passed 7-0. Alderman Thiel was absent.

City Attorney Kit Williams read the ordinance.

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 7-0. Alderman Thiel was absent.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Thiel was absent.

Ordinance 4951 as Recorded in the Office of the City Clerk.

Solid Waste and Recycling Purchase: An ordinance waiving the requirements of formal competitive bidding indefinitely for the purchase of 2 to 8 yard dumpsters, roll-off style boxes, compactors and receiver boxes.

City Attorney Kit Williams read the ordinance.

Alderman Cook: How much do we spend a year on these boxes?

Brian Pugh: About \$160,000.

A discussion followed on the daily charge and the life of the boxes.

Alderman Cook moved to suspend the rules and go to the second reading. **Alderman Jordan** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Thiel** was absent.

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 7-0. **Alderman Thiel** was absent.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. **Alderman Thiel** was absent.

Ordinance 4952 as Recorded in the Office of the City Clerk.

RJN Group, Inc: A resolution approving Contract Amendment #4 to the agreement for Professional Engineering Services with RJN Group, Inc. in the amount of \$953,049.00 to provide design and construction phase services pertaining to technical design, engineering, Corps of Engineers and stormwater permit issues for the West Side and Farmington area Wastewater System Improvements Project (subprojects WL-10, WL-11 and WL-12); and approving a contingency in the amount of \$40,000.00.

Alderman Cook: I would like to table this until we get a sewer agreement from Farmington.

Alderman Cook moved to table the resolution to the December 5, 2006 City Council meeting. **Alderman Ferrell** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Thiel** was absent.

Robinson, Stafford and Rude, Inc: A resolution approving a contract for Professional Engineering Services with Robinson, Stafford and Rude, Inc. (RSR) in the amount of \$39,844.00 (to be wholly reimbursed by the City of Farmington) to provide value engineering services for the Farmington and West Fayetteville Area Wastewater System Improvement Project engineering design.

Alderman Cook: I would also like to table this until we get a sewer agreement from Farmington.

Alderman Cook moved to table the resolution to the December 5, 2006 City Council meeting. **Alderman Jordan** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Thiel** was absent.

This resolution was Tabled to the December 5, 2006 City Council meeting.

VAC 06-2337 Kevin Pittman: An ordinance approving VAC 06-2337 submitted by Kevin Pittman for property located at 1985 Purva Place, vacating a portion of the 25 foot utility easement located along the southern property line adjacent to New Bridge Road.

Alderman Jordan moved to move this item on the agenda from Item #12 to Item # 11. **Alderman Ferrell** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Thiel** was absent.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a description of the vacation. He stated a portion of the house that is encroaching on the east side will be required to be removed. Staff is recommending approval of this vacation request. Planning Commission voted 8-0 in favor of this vacation request.

Alderman Lucas: What happens if we deny this?

Jeremy Pate: They would be in violation of our city codes for a structure that is located within a utility easement. They would have the opportunity to appeal your decision to Circuit Court. Beyond that they would be required to remove that portion of the house.

Alderman Lucas: I brought this forward because it is an eyesore in the neighborhood. I ordinarily am not in favor of vacating encroachments like this but this has been an eyesore in the neighborhood for a year. They stopped building on this last December. I felt like it needed to be heard for the other neighbors. It needs to be constructed or torn down.

Alderman Lucas moved to suspend the rules and go to the second reading. **Alderman Ferrell** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Thiel** was absent.

City Attorney Kit Williams read the ordinance.

April Pittman thanked the Council for helping them with this. She stated they thought the builder was doing all the things that was supposed to be done.

Alderman Jordan: How much did they get over?

Jeremy Pate: Approximately 17 feet.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Thiel was absent.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Thiel was absent.

Ordinance 4953 as Recorded in the Office of the City Clerk.

Proposed 2007 Annual Budget & Work Program: A resolution adopting the 2007 Annual Budget and Work Program as approved and amended.

Paul Becker, Finance Director gave a brief overview of the budget. He stated there is a working session scheduled for December 2, 2006.

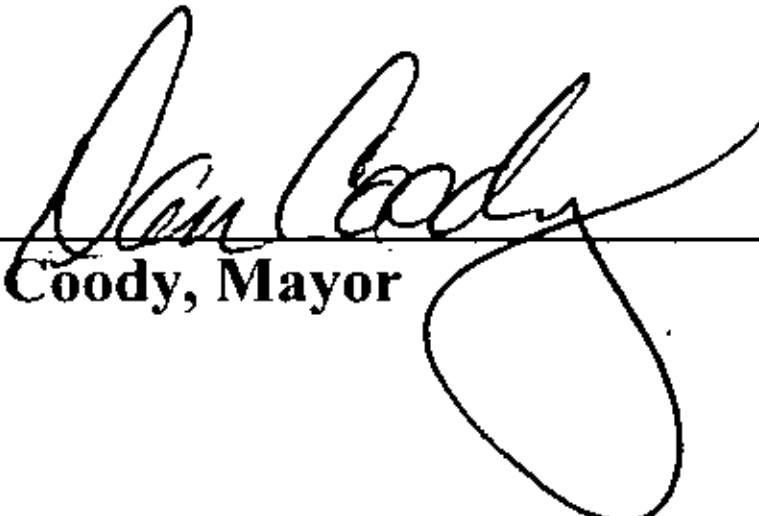
Cyrus Young: The budget you are considering now is in balance and the first budget that was proposed was not in balance. He asked about why the city is trying to find money to run the city when the state has a huge surplus.

Mayor Coody: I would assume because the state gets a six cent sales tax and we get basically one might have something to do with it.

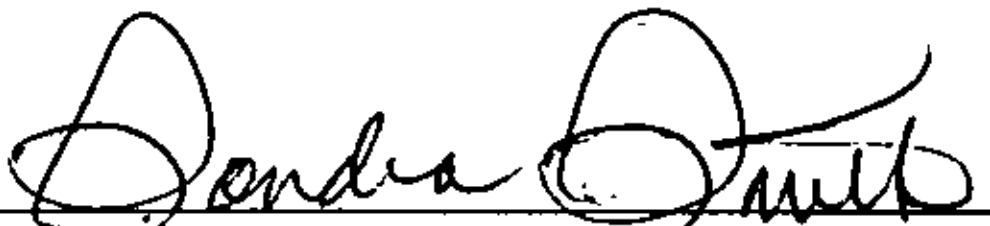
Alderman Jordan moved to table the resolution to the December 5, 2006 City Council meeting. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Thiel was absent.

This resolution was tabled to the December 5, 2006 City Council meeting.

Meeting Adjourned at 9:05 PM



Dan Coody, Mayor



Sondra Smith, City Clerk/Treasurer