

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Sarah E. Lewis



Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith

**City of Fayetteville Arkansas
City Council Meeting Minutes
November 17, 2009**

A meeting of the Fayetteville City Council was held on November 17, 2009 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

PRESENT: Alderman Gray, Thiel, Cook, Petty, Rhoads, Lucas, Lewis, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Ferrell.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

Presentations, Reports and Discussion Items: None

Consent:

Approval of the November 3, 2009 City Council meeting minutes.

Approved

Bid # 09-63 Landers Ford Lincoln Mercury of Benton: A resolution to approve the lowest bid from Landers Ford, Lincoln, Mercury of Benton, Arkansas in the amount of \$29,128.00 for a heavy duty, regular cab, 4x4 pickup truck for use by the Parks Division.

Resolution 226-09 as recorded in the office of the City Clerk.

Bid # 09-64 Sweetser Construction, Inc.: A resolution to approve an agreement between the City of Fayetteville and Sweetser Construction, Inc. for the construction of Doc Mashburn Park in the amount of \$64,199.00 plus a 15% contingency of \$9,630.00.

Resolution 227-09 as recorded in the office of the City Clerk.

Ferrara Fire Apparatus: A resolution awarding bid and approving purchase of a fire pumper apparatus and related equipment from Ferrara Fire Apparatus in the amount of \$410,200.00 for use by the Fayetteville Fire Department; and approving a 12% contingency.

Resolution 228-09 as recorded in the office of the City Clerk.

Evans Construction and Remodeling, LLC: A resolution approving a contract in the amount of \$24,895.00 with Evans Construction and Remodeling, LLC for rehabilitation of a CDBG eligible residence.

Resolution 229-09 as recorded in the office of the City Clerk.

2009-2010 (ICAC) Task Force Program Continuation Grant: A resolution authorizing the Mayor to accept a non-matching 2009-2010 Internet Crimes Against Children (ICAC) Task Force Program Continuation Grant in the amount of \$30,000.00 from the Arkansas State Police; and approving a budget adjustment recognizing the grant revenue.

Resolution 230-09 as recorded in the office of the City Clerk.

AOS: A resolution to approve the purchase of a fully redundant modular chassis switch for the Police Department from AOS pursuant to the state contract price of \$70,227.00 and to approve the attached budget adjustment.

Resolution 231-09 as recorded in the office of the City Clerk.

Municipal Parking Lot # 55: A resolution to approve the attached budget adjustment recognizing \$6,500.00 in Parking Facility/Fees which will be used to replace deteriorated curb and gutter in Municipal Parking Lot # 55

Resolution 232-09 as recorded in the office of the City Clerk.

Alderman Petty moved to approve the Consent Agenda as read. Alderman Cook seconded the motion. Upon roll call the motion passed 7-0. Alderman Ferrell was absent.

Agenda Additions: None

Unfinished Business:

Old Wire Annexation Appeal: An ordinance annexing that property described in annexation petition ANX 09-3409 (CC2009-4), for property located at 3231 North Old Wire Road, the northwest corner of Old Wire Road and Rom Orchard Road, containing approximately 39 acres. *This ordinance was left on the First Reading at the October 6, 2009 City Council meeting. This ordinance was left on the Second Reading at the October 20, 2009 City Council meeting. This ordinance was left on the Third Reading at the November 3, 2009 City Council meeting and Tabled to the November 17, 2009 City Council meeting.*

Jeremy Pate, Development Services Director: I believe Sondra received an email from the applicant asking to table this again for two weeks.

Colleen Gaston, resident of 3270 Rom Orchard Rd.: It is my recollection that this is the third time that the petitioner has requested tabling this. I am not sure why they could not be here all of these times but in my experience as a lawyer if you don't show up when you are making an appeal that is too bad. I think the City has provided ample opportunity for them to present their position on this matter. I think at this time it is time to make a decision. She presented letters from city residents who are opposed to this annexation.

Alderman Rhoads: I realize that you have been inconvenienced but the City Council does not quite work like a court room in the fact that it is not abnormal to ask for things to be tabled for various reasons. I would like to publicly suggest to the petitioners that if they want this tabled again to give advance notice so people do not have to show up. I would also like it to be tabled because Bobby is not here and I think he has some view points on it and it is in our Ward.

Alderman Lewis: Is there something that can be stated saying we will table it but we are voting on it next time so be here?

City Attorney Kit Williams: You could certainly say that, but the City Council can table again anyway. You can say for the record that you would not as an Alderman vote to table again if you wanted to.

Alderman Thiel moved to table the ordinance to the December 1, 2009 City Council meeting. Alderman Rhoads seconded the motion. Upon roll call the motion to table passed 5-2. Alderman Cook and Petty voting no. Alderman Ferrell was absent.

A discussion followed with Colleen Gaston on the information she had for the Council and whether or not the public would be able to speak on the issue or not.

The Council agreed to wait to hear the public's comments until the item was brought back in two weeks.

2010 Annual Budget & Work Program: A resolution adopting the 2010 Annual Budget and Work Program. *This resolution was Tabled at the November 3, 2009 City Council meeting to the November 17, 2009 City Council meeting.*

Paul Becker, Finance Director gave a brief explanation and touched on the highlights of the proposed budget.

Alderman Cook: I am ready to vote on this tonight and I think everyone else is from what we discussed at Agenda Session. There is no wiggle room left. I appreciate staff and administration getting to this point without cutting any services and I know if it gets worse we will have to get to that point, hopefully it won't. I appreciate the fact that we did not have to and that we can pass this right now and we do have a little money left in reserves that we can use. I pray that the economy will turn and things will get better for us. I don't think we can get any better than what we have.

Alderman Lewis: I appreciate all the updates. I am impressed with the former council decisions on setting aside reserves so that in times like this there is an opportunity to have that available. I had spoken with Paul about the concrete pad and the location of it. I wanted to bring that up as a discussion point in that I think it is good but in that particular situation I would like there to be an exploration of a better location for that so that it might be cheaper.

Paul Becker explained the item Alderman Lewis was referring to. He explained the concrete pad was to set a burn trailer on which is used in firefighter training. He stated the site that was suggested was Station #6 which would take some site preparation. We felt that was the best site available. We also discussed with Sarah and the Mayor has committed that if we do this project we will first analyze and see if there are any other locations that would be more suited.

Kyle Curry with the Fayetteville Fire Department stated this site located at Station 6 is an adjacent lot that we have to the station. We won't have to purchase any land. We were going to use the resources we had. He explained efforts made in the past to get a training facility. This would be a way to facilitate a live burn for our firefighters.

Alderman Rhoads: Don't surrounding towns use buildings?

Kyle Curry: Yes sir, some do. This is what our Fire Administration has chosen. You have to go through asbestos checks and we do not really have anyone on our department that can do that.

Alderman Rhoads: If need be could you train with another Fire Department?

Kyle Curry: We could but you would have to take on duty companies out of service and out of the city or you would have to pay firefighters overtime to actually participate in that.

Alderman Lewis: My comment was that if at all possible, if the structure is sound and we do get the training center, to explore existing concrete slabs because we have quite a few empty concrete slabs in Fayetteville.

Kyle Curry: That would be fine and that would save a lot of time for us.

Mayor Jordan: I am not opposed to that.

Paul Becker: There is \$80,000 there. If we do not get the grant, we will not spend it and it will be reprogrammed next year through the budget process. If we do get the grant we are going to examine to see if there is a better location.

Mayor Jordan: If we can save \$80,000 we will.

Paul Becker: That is on page 174 of the budget document if you want to read a little bit more about it.

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

Resolution 233-09 as recorded in the office of the City Clerk.

New Business:

VAC 09-3444 (Ute Wilson): An ordinance approving VAC 09-3444 submitted by Sawyer's Outdoor Solutions for property located at 2021 Ball Avenue to vacate a portion of a utility easement containing approximately 124 square feet.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance. He stated staff is recommending approval as did the Planning Commission.

Ute Wilson, owner of the property asked the Council to approve this tonight.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5284 as Recorded in the office of the City Clerk.

Amend Chapter 97: An ordinance amending Title IX: General Regulations of the Code of the City of Fayetteville, to amend sections of Chapter 97: Parks and Recreation in order to permit special events at Lake Fayetteville that include a swimming component.

City Attorney Kit Williams read the ordinance.

Karen Minkel, Director of Strategic Planning and Internal Consulting gave a brief description of the ordinance. She stated the Parks and Recreation Advisory Board forwarded this unanimously and the Ordinance Review Committee reviewed the ordinance and it was forwarded to the City Council with a unanimous vote of 3-0 recommending approval.

Alderman Thiel: I think it is a positive thing for the lake because it will give us a reason to try to do more testing out there. Since it is just a special event sort of thing and I think it's something that might be positive for our economic development aspect I certainly support it.

Alderman Lewis: I have a question about your data collection. So the Health Department requires an organization to test two weeks prior to their event.

Karen Minkel: They require that the event organizer have them come out and take the test and they test it in their labs. It would be in addition to the tests that the City was doing.

Alderman Lewis: I appreciate the long range data of the lake. How are you going to use that? What will help you to decide whether or not to allow the event at that time?

Karen Minkel: We have had tests in the past but it has been sporadic. They have all been positive but from what we can tell we have moving water and it is a safe lake to use for a swimming event. We are not as sure if it is stagnant. I think, after a five or ten year period then you will be able to note what trends are taking place. If you know at a certain month every year you are seeing your levels go up to areas that may not be unsafe but are worrisome then event organizers will know that. It would also tell us something about the watershed itself. I would not be the person analyzing those tests but I think with that data it will tell us something about the health of that lake as well.

Don Marr: The other part of what this will do is potentially let the event organizer know that it is not a guarantee and that it is based on the results of the test. It would be used as screening criteria for the event to occur.

Bruce Dunn, Event Organizer explained the events that he was interested in bringing to this area. He also spoke on the precautions that would be used for each event.

Alderman Petty: How many people do you anticipate competing?

Bruce Dunn: If it was just that event only I would think it would be 150 people for a first year event. With a festival you triple the numbers from 350 to 400 people. He gave examples of other events. I envision this event being 250 people at first and long term 500 to 600 people.

Alderman Petty: Is it too early for you to make a prediction on how many of those competitors would come from out of town?

Bruce Dunn: Generally speaking the events for Northwest Arkansas about 80% would be from out of town. He gave examples of other events.

Alderman Petty: Did you request any money from the Advertising and Promotion Commission?

Bruce Dunn: I did not because I wanted to make sure that we got the approval. I will be asking for money for that.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5285 as Recorded in the office of the City Clerk.

CUP 09-3389 Barking Bed & Breakfast Appeal: An appeal of the Planning Commission's decision to deny CUP 09-3389 Barking Bed and Breakfast located in the I-540 Design Overlay District (DOD) west of I-540 and Shiloh Drive on the north side of Old Farmington Road.

Jeremy Pate gave a brief description of the item. He stated staff recommended approval of this request. He passed out conditions of approval with a few clarifications. He went on to read the conditions of approval.

Alderman Petty: I was looking at maps from similar facilities in Fayetteville. How far away is the proposed facility from the nearest hotel for a comparison?

Jeremy Pate: I will have to get back to you. I can measure that on our site plan.

Alderman Petty: In your experience and training how effective are noise barriers like this?

Jeremy Pate explained research they had conducted. He stated a good buffer can reduce sound by 5 to 10 decibels. He described the different variances and stated I will try to find out that measurement.

Alderman Lewis asked the applicant what is the business model for allowing the dogs to be outside.

Melanie Chambers, the applicant stated the hours they would actually be outside is weather permitting. The play times will be between 10 a.m. and 6 p.m.

Alderman Lewis: Do you have a limit on the number of dogs at a time or is there generally a limit on the number of dogs that are allowed to be out?

Melanie Chambers: We are putting a limit and letting them out in groups of 25.

Alderman Thiel: Have you done a market study and feel that there is a need for this at this time.

Melanie Chambers: What we are proposing is for me to have a maximum of 80. That does not mean I will have 80 dogs everyday. The facilities that I visit normally have around 30-40 dogs per day. The maximum they reach is during holidays and spring break. I have done research.

Alderman Gray: Is it normal to have that many dogs out at once? That seems like a lot to be barking all at once.

Melanie Chambers: They are not going to be barking all at once. Normally at any of the facilities I have been at they have not all been barking at once. She referenced their research which was included in the agenda packet. She stated it gives the distance of the hotels from the fence.

Ms. Chambers gave a presentation to the Council on her research and the proposed business.

Marilyn Heifner, Executive Director of the Fayetteville Advertising and Promotion Commission: The Advertising & Promotion Commission spends hundreds of thousands of dollars encouraging people to come to Fayetteville and spend the night. We represent the interests of hotels, motels, and restaurants. We would like to keep that business in Fayetteville. The hotels have had a pretty challenging year keeping customers in town. We feel this would be detrimental to the four adjacent hotels. There are probably other letters besides the Regional Manager from the Hampton Inn that say they do not favor this being placed near them. One of the reasons we are opposed to this is because it is a conditional use and is in a residential area. No screening will dissipate the noise.

She stated she lives south of a facility that has 40 dogs and they requested to go to 80 dogs which was denied because of the concerns of the neighbors. She urged the Council to uphold the decision of the Planning Commission because of the noise and because of the odor.

Alderman Petty: Does the daycare center that you live near have a noise barrier?

Marilyn Heifner: It has several trees but not a screen of trees.

Alderman Petty: Approximately how many feet is that from your house?

Marilyn Heifner: About 600 feet.

Jeff Hawkins, resident of 2824 Old Farmington Road stated my property is separated from the subject property by 357 feet from property line to property line. He referenced the City Code and stated I agree with the Planning Commission's decision. He went on to speak against the proposed business. He stated it is not an appropriate location for this facility. He voiced his concerns about the noise that will be created by the barking dogs. He stated I urge you to uphold the Planning Commission's decision to deny this application.

Kal Gandhi, General Manager of Travelodge Inn and Suites of Fayetteville spoke in opposition to the proposed business. He stated it will cause an intolerable nuisance to the guests staying at his hotel. He stated this will cause a loss in revenue and he recommended that the Council deny this request.

Alderman Petty: The applicant stated that you allow pets at your motel.

Kal Gandhi: Yes sir we do. We have only four rooms which are designated for pets. It is for the guest's convenience.

Alderman Petty: Jeremy, did you find out how far away the proposed facility is from the nearest hotel?

Jeremy Pate stated all those distances are located on page 18 of 50 so the Value Place Hotel is the closest from the outdoor fence area and that is about 125 feet. He went on to list the distances from the other listed hotels.

Alderman Petty: I don't really buy the idea that this is going to adversely affect hotels. I think we should make our decisions based on data and not on fear of how bad it could be. Hearing from Bentonville hotels that are just as close is pretty telling especially with all the conditional uses that we have in front of us. Based on what the Bentonville hotels have said I am going to listen to the data and support this.

Alderman Lewis: Jeremy can you clarify the coordination with the Solid Waste Department is that once a week or twice a week?

Jeremy Pate: It is not specified how often. It will be coordinated with the Solid Waste Division. I think that refers more to the size of dumpster that will be required for this particular site. That's usually done through the large scale development process.

Alderman Lewis: I would like to suggest we add a condition of approval by limiting the number of dogs that would be outside at any one time to they can only have 15 dogs out at any one time from 10:00 to 6:00.

Alderman Lewis moved to amend the appeal to limit the number of dogs outside at any one time to 15. Alderman Thiel seconded the motion.

Aubrey Shepherd spoke in favor of the amendment.

Jeff Hawkins stated with regard to the amendment I don't know who's going to be out counting whether it is 25 or 15. That's a requirement that's virtually impossible to enforce in any city. I don't know how much of a staff Fayetteville has that can possibly enforce the number.

Melanie Chambers: The reason why we limited it to 25 dogs the first time is because the other facilities were letting their dogs out all at once. I stated earlier people were letting out 30 to 50 dogs at their facilities. I don't want to be paranoid and be limited so much that I have to be out there with a list of things that I can and can't do and be paranoid that I'm going to have my conditional use taken away from me. There's not any research of 25 dogs sitting outside all at once barking. When you start limiting me it makes me paranoid to even operate period.

Mayor Jordan: Are you saying to the Council that if this amendment passes you would not be interested in doing it?

Melanie Chambers: I think I have bent over backwards so I guess if that is another restriction then that's something else that is taken away.

Alderman Lewis: It's an effort to try to find a way to balance between these.

Alderman Petty: With the more restrictive noise ordinance that control is already in place. That's her demonstrating that she is going to be very aware of how loud her dogs are being. That's really all we are talking about if we are restricting the number of dogs that can be out at once. I would like to stick to what's already there with the restrictive noise ordinance.

Alderman Lucas: I think it's a nuisance whether it's 15 dogs. You get dogs to barking your noise ordinance is not going to help at all I don't think. I don't know what to say about limiting it to 15, it's not really going to make a difference.

Alderman Thiel: I agree I don't think it makes that much difference if it's 15 or 25. That's not to say that I don't necessarily support this.

Alderman Gray: It sounds like we have folks in our community who feel like the noise ordinance is not sufficient or is not being followed because they're being greatly affected in their

homes by what's going on. All of us have had several emails and communications from residents in our city who are not for this because their home atmosphere is being disturbed by the nuisance of barking dogs. Jeremy, can you tell me a little bit about our noise ordinance?

Jeremy Pate: The Police Department administers and enforces our noise ordinance and it is based upon decibel readings taken at certain times of day. Day time readings are allowed to be higher than night time. It also depends upon the zone in which the reading is taken. In regard to nuisance noises however it is a little different.

Kit Williams: Casey Jones our City Prosecutor informed me this is one of the most difficult cases to prosecute. It is not really the decibel meter when it's barking dogs because that is usually used for a constant noise like outdoor music. We must show that the barking dog is incessant and goes on for a considerable period of time. It doesn't say in condition number three that there must be any convictions it says if more than three dog barking complaints relative to this use have been verified by the Planning Department. This is a difficult issue and there are some dangers no matter what you do one way or the other.

Alderman Gray: This does cause me great concern. I feel like this is pretty nebulous. Jeremy how comfortable do you feel about that?

Jeremy Pate: In terms of the process either the Police Department or Planning Division would get a call and we would go listen or we could take tape recordings. The burden on us simply is to prove first of all that it's from that facility and secondly if there are three within a year then we would take it back to the Planning Commission who then could add additional conditions. There are a number of conditions that the Planning Commission could take or impose without having to entirely shut the business down although the applicant has been informed that that certainly is a possibility. The Chair of the Planning Commission, Commissioner Trumbo stated he was very uncomfortable voting for the application because of the investment in the property and the fact that it could be brought back to that person and that business could be shut down.

Jeremy stated we are trying to be extremely open to the applicant understanding the risks in this process. That is the reason it is in black and white on these conditions of approval that this could be revoked. It will be her decision if this is granted whether to go forward with the conditions. She is concerned about some of these conditions already so it will be her decision ultimately if it does go forward.

Don Marr: We are in a situation with limitations on staff time. The more items we add because our city ordinances are based on complaint driven ordinances we don't have time. In the budget, that you've so graciously approved tonight, there are thirteen open positions that we have not filled. We need to be understanding that as you pass these things the response times for those types of complaints are based on the staff we have to respond. Not saying that we wouldn't or maybe we wouldn't be able to but it may not be as quickly as someone might like.

Upon roll call the motion failed 1-6. Alderman Lewis voting yes. Alderman Rhoads, Lucas, Gray, Thiel, Cook, and Petty voting no. Alderman Ferrell was absent.

City Attorney Kit Williams explained the voting requirements for appeals.

Alderman Lucas: Our concern is for business and this is a new business but I feel like it is important that we consider the businesses and neighbors that we have. One or two dogs barking are a nuisance. I heard from constituents, before this went to the Planning Commission, that were against it. The people are concerned and I can respect that. I don't think we should have this conditional use in this area.

Alderman Thiel: There is so much opposition to this that I don't think this applicant stands a chance. I'm concerned about what the City Attorney said that it would be a shame for them to make this kind of investment and then because of complaints they would have to shut down. I would really like to support this because I think it is something that is needed and in some way it's a very good location for it. It's got a natural buffer around it. I don't guess I'll support it.

Alderman Lewis: It's a difficult decision to make. I looked at the business model and it has a really good design. There is plenty of space for the dogs, the buffering is essential and it's on a mixed use area where you have businesses and residential which makes it a pretty good spot for this kind of place where you can drop off your dogs. The two things that make this extra hard for me is there will be so much green space there and there is a house on that property that is historically very significant and this property owner is going to preserve that. Jeremy this is a conditional use, it is C-2. What can go into a C-2 outside of a conditional use?

Jeremy Pate: Thoroughfare commercial allows most any other commercial uses. Any of the uses you see along Martin Luther King or Shiloh. Hotel, motel, restaurant, office buildings, an office complex, almost anything commercial you can imagine. College Avenue is zoned C-2 along the boundary there.

Alderman Lewis: This seems like a softer use of that property than what could go there. The barking dog is a difficult thing. It seems like the business model is such that there is going to be responsibility on watching the dogs and they are going to limit the number of dogs some what. The hours are limited and the other hotels in Bentonville stated this does not affect them. We do have a hotel here that is saying that it could. I'm leaning towards being supportive of it because of the design of the spot as far as the way it is designed and the buffering.

Alderman Petty: The applicant might be taking on a lot of risk but I don't think that is our decision to make as an elected official for a business owner.

Alderman Petty moved to approve the appeal including the conditions of approval that was passed out. Alderman Cook seconded the motion. Upon roll call the appeal failed 3-4. Alderman Lewis, Cook and Petty voting yes. Alderman Rhoads, Lucas, Gray, and Thiel voting no. Alderman Ferrell was absent.

The appeal Failed.

Amend Chapter 117: An ordinance to amend Chapter 117 of the Fayetteville Code to authorize the Fayetteville Town Center to manage the interior parking spaces of the Fayetteville Square during and for the Lights of the Ozarks and to pass an emergency clause.

City Attorney Kit Williams read the ordinance.

Sharon Crosson, Fayetteville Parking Manager stated this ordinance is going to solidify the A & P's authority to manage the vendors that come to join in on that venue for Lights of the Ozarks, to make sure those vendors are abiding by the rules of the event, that they don't impede pedestrian traffic on the sidewalks, and that they clean up after themselves each night. Once this is passed it will give the A & P Commission the authority to govern that venue for the event.

Alderman Lucas: Do we get any sales tax from this?

City Attorney Kit Williams: One of the things we would look at is their HMR tax application and the sales tax there. This will help us ensure that they are in fact doing that and working with the Town Center staff. The Town Center staff will now have an ordinance that will be able to ensure even better compliance.

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

City Attorney Kit Williams read the ordinance.

Alderman Petty 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 Ferrell** was absent.

City Attorney Kit Williams read the ordinance.

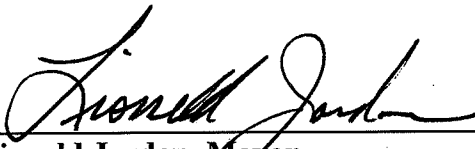
Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. **Alderman Ferrell** was absent.

Ordinance 5286 as Recorded in the office of the City Clerk.

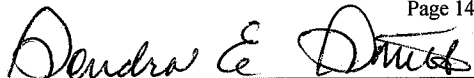
Alderman Petty moved to approve an Emergency Clause. **Alderman Cook** seconded the motion. Upon roll call the Emergency Clause passed 7-0. **Alderman Ferrell** was absent.

Announcements:

Meeting adjourned at 7:55 p.m.



Lioneld Jordan, Mayor



Sondra E. Smith, City Clerk/Treasurer