

The Morning News

Local News for Northwest Arkansas

Audit Confirms Road Impact Fee Election Result

*By Dug Begley
The Morning News*

FAYETTEVILLE -- Proposed road impact fees in Fayetteville are not at the finish line just yet, but are inching closer.

An internal audit Wednesday morning of Tuesday's road impact fee election did not alter ballot totals, Washington County Election Commission Chairman John Logan Burrow said. The election stands at 2,015 for the fees and 2,014 against.

Burrow said the election commission will meet Friday morning to discuss two provisional ballots that could be rejected. Burrow said if the ballots are rejected, it would not turn the election in favor of the opponents.

The election will not be certified until April 20. Burrow said officials must wait on 23 overseas absentee ballots that have until April 20 to arrive. Any overseas ballots that arrive will be opened April 20, Burrow said.

The election process until the certification is murky, explained Tim Humphries, general counsel for Arkansas Secretary of State Charlie Daniels. Asked what the outcome would be if the election is certified as a tie, Humphries said he was not certain.

"The state code is a little unclear on that," Humphries said.

Ballot questions must garner the support of a majority of voters, according to election code, he said. A tie could mean the measure would fail because it did not receive majority support.

"Obviously, if it is a tie, that would not be a majority," Humphries said.

Fayetteville City Attorney Kit Williams said it would be better for the city to have a winner and

a loser. A contentious fight over the outcome would put the city in a confusing spot, he said.

"I want one side to win," Williams said. "Whoever it is. I do not want it to be a tie."

State law is also unclear on who has the authority to request a recount, he said. The local election commission would likely have to make the decision to allow someone to challenge the election, Humphries said. Whomever requested the recount, if allowed by the election commission, would have to pay for it, he added.

Burrow said he could not say who the commission believes would have the right to ask for a recount.

"We'd have to get with our attorney on that," Burrow said Wednesday afternoon.

The proposed road impact fees would assess a charge on new development in Fayetteville, based on the type of building. Money raised would be used for street improvements in the city, caused by increased traffic. Single-family homes would pay \$2,363 in road impact fees, while commercial property would pay \$2,701 for every 1,000 square feet of space.

If the vote stands and the impact fee is enacted, it would take effect July 1. Williams said any building permits issued after July 1 would be subject to the road impact fee.

"I would think in the month of June we'd have an unusually large number of building permits issued," Williams said. "And then in July a very small number."

Critics of the road impact fees said they would derail development efforts, thereby hurting the city's sales tax revenue. Pam Jones, chairwoman of Citizens4Fayetteville, a group that campaigned against the fees, said Wednesday she was dismayed by the result.

"It is sad people did not understand the impact this will have," Jones said. "Business creates and builds what we need in Fayetteville, but this will hurt that."

Citizens4Fayetteville raised more than \$40,000 to oppose the fees, and ran newspaper and television ads urging residents to vote against the proposal. Jones said she was disappointed the group was unsuccessful.

"I guess what makes me sad is this automatic, knee-jerk reaction that growth is bad," she said.

Proponents of the fees said new development is creating the need for street improvements, and should pay for it.

Both opponents and supporters said the razor-thin margin is proof every vote counts. Abel Tomlinson said he and his wife, Amanda, know that all too well.

The couple planned to vote after they picked up their 4-year-old daughter around 6 p.m., Abel Tomlinson said. They drove by the county courthouse to find out the new location of their polling place, only to find it closed, he said.

"We knew it moved, but we didn't know where," Tomlinson said Wednesday.

He said they received a letter telling them the polling place had moved from Woodland Junior High School to Dwelling Place, but did not say where Dwelling Place was located. Tomlinson said he and his wife went to Woodland, but it was closed and the sign on the door did not give Dwelling Place's address.

Neither did the phone book, he added. Tomlinson said he called police, who also could not help him find his voting location.

"I almost gave up, but my wife wouldn't let me," Tomlinson laughed.

The couple finally went to another polling place, where election workers told them how to get to Dwelling Place on Mount Comfort Road.

"We made it just in time," Tomlinson said. "We were pretty happy we did it."

After learning the one-vote outcome, he said he was pleased he and his wife put in the hour-long effort to vote.

"We were pretty concerned about the issue," Tomlinson said. "I'm glad we made it."

Fast Facts

Election Totals

Unofficial results of Fayetteville's road impact fee election were audited Wednesday by the Washington County Election Commission. The numbers did not change, commission chairman John Logan Burrow said. As of Wednesday, results were:

* 2,015 for the proposal

* 2,014 against the proposal

Source: Washington County Election Commission

Meeting Information

County Election Commission Meeting

What: Washington County Election Commission meeting to discuss two provisional ballots submitted Tuesday in Fayetteville road impact fee election

When: 8:30 a.m. Friday

Where: Washington County Courthouse, Room 115, 281 N. College Ave.

By The Numbers

Road Impact Fee Schedule

Fayetteville road impact fees:

- * Single-family detached residences: \$2,363 per dwelling
- * Mobile home residences: \$1,779 per pad
- * Hotel/motel: \$1,319 per room
- * Commercial/office: \$2,701 per 1,000 square feet
- * Nursing Home: \$1,495 per 1,000 square feet
- * Industrial/warehouse: \$1,676 per 1,000 square feet
- * Miniwarehouse: \$587 per 1,000 square feet

Source: City Of Fayetteville