

Council Member Sonia Harvey
Ward 1 Position 1

Council Member D'Andre Jones
Ward 1 Position 2

Council Member Mark Kinion
Ward 2 Position 1

Council Member Mike Wiederkehr
Ward 2 Position 2



Council Member Sloan Scroggin
Ward 3 Position 1

Council Member Sarah Bunch
Ward 3 Position 2

Council Member Teresa Turk
Ward 4 Position 1

Council Member Holly Hertzberg
Ward 4 Position 2

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Treasurer Kara Paxton

**City of Fayetteville Arkansas
City Council Meeting
August 2, 2022**

A meeting of the Fayetteville City Council was held on August 2, 2022 at 5:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Lioneld Jordan called the meeting to order.

PRESENT: Council Members Sonia Harvey, D'Andre Jones, Mark Kinion, Mike Wiederkehr, Sloan Scroggin, Sarah Bunch, Teresa Turk, Holly Hertzberg, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Treasurer Kara Paxton, Staff, Press, and Audience.

Council Member Bunch arrived at 5:56 PM after roll call had been taken.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports, and Discussion Items:

Monthly Financial Report/Sales Tax Update

Paul Becker, Chief Financial Officer: Good evening Mayor and Council. This is the report through May, which is simply half the year of this fiscal year of 2022. Since I didn't give you an update on sales tax at the agenda session, since I was out of town, I'll give you a little update on that right now. When we compare it to budget, we are up about 8% for the City one penny, we're

up 18% for the amount we received from the county for sales tax, so we're up a combined 12% for the period. For comparison to last year, that was up roughly 20% for the county and 9% for the City. So, did very well through last year, we did better than budget, so sales tax are still hanging in there very well. When we look and analyze sales tax what was strong this time retail sales were up 10%. Again, food services and accommodations were up 20% so that's one of the primary drivers. Again, retail sales were up 9% and the Internet sales, which had been off a bit, were up 13% for the period, so it was very strong. So, again we're up in the sales tax totally compared to budget for just in general fund was up by 12% by franchise fees they were up again about 10% and building permits were up 26% so they're coming in very strong. Charges for services, which is a lot of the park programs, they were up in excess to 20%. Courts fees and fines are down and interest on investments are down. But for the period, all in all, we were up by 11% in the general fund when we compare this to the budget. So, we're doing very strong through the first half a year. Streets were up about 16% compared to last year. Again we're looking at a lot of that's driven on cost of gasoline. Motor fuel taxes were up that we get from turn back from the state. The half cent penny for sales tax was up roughly 10% for the period for the month and about 23% for the year so far. So, street fund is doing very strong, that is driven a lot by the increase in gasoline. The parking fees were up about 22% to budget, so they are starting to come back. We are starting to see activity downtown, in the downtown area, and the entertainment district. HMR taxes were up 15% year to date. We are seeing that being driven by hotel and motel taxes and again from some of our restaurant venues. Water and sewer are up about 6%, that is going very strong this year. Driven a little more by sewer than water and one of the primary reasons for that is we do some sewer averaging. A lot of people aren't out of town for the winter as they used to be for long periods of time. So we are seeing a little more in the revenue side on the water and sewer. We are up about 6% for billings. Still working with customers as far as back charges and delinquencies. Our concern, we're working as much as possible. We are starting to cut back and pick up on some of the back log and reduce some of those back charges. Trash and recycling is up and this is the first time as compared to budget. We are only up 1% but we have been down in trash and recycling all of the years. That's starting to level off and we are looking pretty good there. Airport fuel sales are up. We're about 50% more per month than we were last year. All of the revenue looks pretty solid and hanging in there for the year. I hope it continues. We haven't seen a lot of the expenditure side. We are going to start seeing some of those, for example, I will be coming forward, probably first meeting in September, and talk about some additional money we will need in fuel. Fuel costs are way up, we are going to be looking at almost all of the funds. Trash and recycling especially because those are all diesel vehicles. What we want to do, what the administration's primary policy is, and I am sure you agree with this, is we are not going to cancel services based on fuel. We are going to find a way to meet the fuel needs and we are going to continue those services going forward. I did give an interview with the television stations saying just that. I spoke on behalf of the Council and the Mayor. Going forward we are looking at good revenue income. Again, we are looking at a push up on the expenditure side but right now we are looking pretty good going into next year. We are in the budget session season so we will be working on that. Generally, at the second meeting in September going to our work session in November. I am happy to answer any questions.

Council Member Harvey: I would like to pull A.5 from Consent and move it onto New Business.

Mayor Jordan: I will pull A.5. Do we need to take a vote on that Kit?

Kit Williams, City Attorney: No, a single Council Member can pull it.

Agenda Additions: None

Consent:

Approval of the July 19, 2022 City Council Meeting Minutes.

Arkansas Municipal League Vehicle Program: A resolution to approve a budget adjustment in the total amount of \$16,466.00 recognizing reimbursements from the Arkansas Municipal League Vehicle Program for damage to city vehicles.

Resolution 166-22 as recorded in the office of the City Clerk

Nabholz Construction Corporation Change Order No. 10: A resolution to approve Change Order No. 10 to the contract with Nabholz Construction Corporation in the amount of \$505,652.42 for paving on Gregg Avenue and West Avenue, street work on West Avenue and reconciliation of contingency for additional items related to the Cultural Arts Corridor Project, and to approve a budget adjustment - 2019 Cultural Arts Corridor Bond Project.

Resolution 167-22 as recorded in the office of the City Clerk

Flintco, LLC Change Order No. 2: A resolution to approve Change Order No. 2 to the contract with Flintco, LLC for the construction of Fire Station No. 8 in the amount of \$233,625.22, and to approve a budget adjustment – 2019 Firefighting Facilities Improvements Bond Project.

Resolution 168-22 as recorded in the office of the City Clerk

RFQ 22-04, Stantec Consulting Services, Inc.: A resolution to authorize a contract with Stantec Consulting Services, Inc., pursuant to RFQ 22-04, in the amount of \$69,610.00, to develop a citywide Heritage and Historic Preservation Master Plan.

Resolution 169-22 as recorded in the office of the City Clerk

RFQ 22-01, Selection 9, Ecological Design Group, Inc.: A resolution to authorize a contract with Ecological Design Group, Inc., pursuant to RFQ 22-01, Selection 9, in the amount of \$65,000.00, for services related to the development of a master plan for Underwood Community Park, and to approve a project contingency in the amount of \$5,000.00.

Resolution 170-22 as recorded in the office of the City Clerk

Bid 22-38 Hampton Equipment, LLC: A resolution to award bid 22-38 and authorize the purchase of a dryer feed conveyor for the Biosolids Management Site from Hampton Equipment, LLC in the amount of \$42,340.00 plus applicable taxes and freight charges.

Resolution 171-22 as recorded in the office of the City Clerk

Bid 22-40, Jack Tyler Engineering, Inc.: A resolution to award bid 22-40 and authorize the purchase of a submersible pump for the Farmington Sewer Lift Station from Jack Tyler Engineering, Inc. in the amount of \$108,621.00 plus applicable taxes and freight charges.

Resolution 172-22 as recorded in the office of the City Clerk

Christopher Alderson Sewer Overflow Damage At 727 N. Rockcliff Road: A resolution pursuant to §39.10(c)(4) of the Fayetteville City Code to authorize the mayor to pay the amount of \$23,749.14 to Christopher Alderson for sewer overflow damage at 727 North Rockcliff Road.

Resolution 173-22 as recorded in the office of the City Clerk

Council Member Kinion moved to accept the Consent Agenda as read. Council Member Harvey seconded the motion. Upon roll call the motion passed 7-0. Council Member Harvey, Jones, Kinion, Wiederkehr, Scroggin, Turk and Hertzberg voted yes. Council Member Bunch was absent.

Special Needs Assistance Program Grant Agreements: A resolution to approve the renewal of three Special Needs Assistance Program Grant Agreements with the U.S. Department of Housing and Urban Development in the total amount of \$270,193.00 for the City to administer programs to assist homeless Fayetteville residents.

Yolanda Fields, Community Resources Director/Equity Officer, spoke and explained that the grants listed in this resolution are renewal grants. The purpose of these renewal grants is to continue to provide rental assistance, and rental deposits for individuals who were formerly homeless. Ms. Fields went on to explain that these grants will be used to provide continued wraparound case management for individuals who qualify. She further explained that these funds cannot be used for anything other than what is listed in the grant agreement written by HUD.

Council Member Harvey, spoke and explained that she had received a request for this item to be pulled from the Consent Agenda for a separate discussion to see if this item needed to be sent to the Community Development and Assistance Programs Advisory Board.

Yolanda Fields, spoke and explained that the resolution is for renewal grants only. She went on to explain that these are guaranteed grants by HUD to continue to aid individuals who qualify. HUD writes these renewal contracts each year and provides the deadline to the City of when the agreement must be signed and returned.

Council Member Harvey: Thank you Yolanda. I am going to do my best to keep you on time with that. I did want to give these individuals an opportunity to speak. So hopefully we can get it resolved.

The City Council received 2 public comments regarding this resolution.

Mayor Jordan, spoke to the person who make the first public comment. He clarified her request. The request that is being made is asking to have the grant agreements sent to the CDAP Committee for review before approval by the City Council.

Council Member Harvey: I think it would be great for Yolanda to answer the questions that Kyle Smith had. I think that is a great place to start. I want to be sensitive to the timelines as well. Yolanda if you could let us know the dates of everything that needs to be due. We don't want to miss any deadlines.

Yolanda Fields: Well, first of all let me just say that we've already had advances from the city to meet the rental payments, so we've got to reimburse the City for that for July and August, with one of the grants. So, what we're bringing to you they're not applications, I just want to make sure, because that has been referenced, they're not request for funding these are agreements, they are renewal agreements. HUD pretty much dictates how many units that are covered by each that that was set, and I want to remind everybody that these were grants that we took over, because our nonprofit could not execute. So those were already set by that nonprofit so those remained constant. There's nothing we can change; we couldn't change anything that was already spent. By that the only thing that we've been allowed to do is to is to tweak it so that we could buy groceries for our folks that was it. The number of units was set by the nonprofit that could not execute. So, they actually did the application piece what we got was just the actual document, the agreement to continue. So every year we renew like you would renew a contract, so there's no decisions to be made, I want to make sure that everybody understands that. I could take to CDAP the agreements and they can look at them, but nothing that is there can be changed. I just want to make sure everybody understands that this is not an application or new applicant or anything like that. So I would be seeking an advanced another advanced from the city to depending on how many months, we want to hold this the city would be looking at advancing us funding to pay the rents so we don't have anybody miss a rental payment.

Council Member Scroggin: When did we know that we needed to reapply for this?

Yolanda Fields: It is not a reapplication. We're renewing the grant; we're just signing a new grant agreement to continue the funding. It is not a new application.

Council Member Scroggin: Is there a window? Can we ask, two months ago, hey we're going to ask for this in two months?

Yolanda Fields: I want to make clear; we didn't ask for anything. As soon as HUD gets those grant agreements to us, we process them. So, we've communicated with HUD to help them understand we have a timeframe. We have to get it our City Clerk, we have to get it to Council, so they try their best to get these documents to us, so we meet the timeline to get it to the next Council meeting. I have another one that is going to be coming forward and I have already indicated that the first meeting we could get it to is the first meeting of September. So, they are working on getting that paperwork to me. So, it is all driven by HUD. It is not an application, let's say an extension, we are renewing the grant agreement.

Council Member Scroggin: This is not directed at specifically this, this is just in general. We get, almost every other every third meeting, we've got to approve this today, or the money's gone.

Yolanda Fields: No, no, no, the money's not gone on this one.

Council Member Scroggin: Well we hear that a lot, that we have to do it now, have to do it now, you can't even really have time to think about it, and this isn't directed at just this one department it's a lot of them. These federal grants are gone the state grants are gone. Our packet is like 1000 pages, so when citizens come to us and say hey I don't like this can you look at it? Well we got to go read hundreds of pages and sometimes then we got to go and look at other places, and then we basically have to tell citizens no, I guess, we don't have time to actually look at this. So I'm hoping just cross the board. When these grants are coming that we're given a little more time so that we can actually look at them and if there's citizens and residents that are concerned that they can get their questions answered. beforehand and then we vote. Because I'm going to be honest, a lot of times we answer questions after we vote, and I don't really like that and I'm sorry it sounds like I'm picking on you. There's a lot of departments that do that and we don't get time to review and it's basically either a you have to prove this without having time to review it or we lose money and that's not a good place. Thank you.

Council Member Kinion, spoke and explained his involvement with Ms. Fields and HUD. He went on and reiterated what Ms. Fields had previously explained. He stressed the fact that the City of Fayetteville has no authority to change the points that are in the grant agreement.

Yolanda Fields, spoke and agreed with the statements made by Council Member Kinion.

Council Member Kinion, spoke and thanked Ms. Fields for her work.

Council Member Harvey, spoke and thanked Council Member Kinion for his statements. She went on to explain that she appreciated his work alongside Ms. Fields over the years. Council Member Harvey went on to ask questions about the amount of money received. She wanted to know what the specific uses of the funds.

Yolanda Fields, spoke and provided a history of how the City of Fayetteville took over administering the grant funds from the non-profit. It was either the City of Fayetteville take over the process or the community would lose access to the grant funds.

Mayor Jordan, spoke and verified the history that Ms. Fields provided.

Council Member Harvey: The general vibe or feeling that I'm getting from the constituents is maybe it is more like if there is a certain amount of money that we have for a certain amount of tasks is there still time to think about it?

Yolanda Fields: What you have before you are the grant agreements to continue services. It took HUD awhile to get these to us. The City was gracious enough to advance some funding so that we could pay rents. A lot of this is driven by HUD. The person who actually signs the documents

is not in Arkansas they are in Oklahoma. They are having to coordinate getting that to me, me make sure I meet the timeframes for meetings, so all of that has to come into play and there is nothing that we can change in this document. We can say we do not want the funding and return it, but we can't change it. Everything is dictated by HUD.

Council Member Harvey, spoke and summarized what Ms. Fields had previously explained regarding the funding already being allocated.

Yolanda Fields: We have guaranteed funding. We will get it every year, and every year I will come back to you with the agreements to continue the grant. HUD's big push on these funds is that we need to protect the renewal funds because those are guaranteed. These are renewed every year with the idea being we are housing people; you cannot run the risk of not having that funding to pay rent.

Council Member Harvey, spoke and explained that the CDAP Committee is wanting to have feedback regarding how the funds are being used.

Yolanda Fields: There is no feedback, HUD is dictating these funds can only be used to house the homeless. In each specific one they dictate how many units they expect us to house with the funding and what services need to be provided to go along with that. They're running the show. HUD is telling us what to do.

Council Member Kinion, spoke and asked that education be provided to the CDAP Committee, so they understand the history of this specific funding.

Yolanda Fields, spoke and explained that her department is working on creating and developing training for the CDAP Committee. She went on to explain the orientation process for committee members.

Council Member Harvey, spoke and explained she felt that would help answer a lot of questions.

Council Member Turk: In terms of the number of people that you can assist, you mentioned that was dictated by HUD. Can you expand on that a little bit?

Yolanda Fields, spoke and explained the process of providing numbers of the individuals who have received assistance. She also explained the guidelines of the program and where the names are pulled from in order to determine if they can receive assistance. Ms. Fields offered to provide a list of how many individuals have been helped over the lifetime of the grants.

Council Member Turk: That would be really helpful. I also don't want to hold you up because it sounds like there is a limited time window. I would like to have that for informational purposes in case this discussion came up again, it would help me fill in the gaps of this HUD federal program that I really don't know much about other than yes, the Federal Government can be extremely rigid and it's either take it or leave it.

Council Member Wiederkehr, spoke and commended Ms. Fields on her work. He also went on to talk about increasing education, communication, and providing a calendar of events for grants for the CDAP Committee.

Yolanda Fields, spoke and reiterated her earlier comments regarding providing education for the CDAP Committee.

Council Member Harvey moved to approve the resolution. **Council Member Kinion** seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 174-22 as recorded in the office of the City Clerk

Unfinished Business:

Raze And Removal of Structure At 2860 E. Wyman Rd.: A resolution to order the Razing and Removal of a dilapidated and unsafe structure on property owned by Leroy H. Scharfenberg located at 2860 East Wyman Road in the City of Fayetteville, Arkansas, and to approve a budget adjustment in the amount of \$17,800.00. *This Agenda Item Was Tabled to the August 2, 2022 City Council Meeting.*

Billy Bryant, Senior Code Compliance Officer spoke and provided an update regarding the property. No permits have been applied for and no work has been attempted on the property.

Council Member Hertzberg: Do you know if the resident was able to obtain accommodations or housing in Colorado?

Billy Bryant: I did speak with Mr. Scharfenberg this morning on the phone. He did say he plans on moving to Colorado with his son.

Council Member Hertzberg: Did he give a timeframe?

Billy Brant: He said they are leaving this afternoon.

Mya Scharfenberg, spoke and gave a statement. She explained the history of the property and the contributions that Mr. Scharfenberg has given to the community. She went on to explain she has been able to obtain help from outside sources.

Council Member Scroggin: Hopefully we can give them the 60 days to do that. I just want to ask is there a risk of having them take it down on their own. I am a general contractor and I have hurt myself before.

Billy Bryant: There is potential risk depending on the tools they choose to use. I will note that there is no demo permit on file that has been applied for. To answer your question, yes, there is a potential risk.

Council Member Scroggin, spoke and explained that there was another house in the area that needed to be demolished. He went on to explain that he would not want it to fall in on anyone. He proposed a question to the City Attorney Kit Williams to see if he had anything to add regarding safety of removing the structure.

Kit Williams, City Attorney, spoke and explained that it is up to the City Council. He then proposed a question to Code Compliance on if the structure was secure when it came to preventing anyone from entering the structures that was not authorized.

Billy Bryant: I do not know if it is secure. can reinspect it tomorrow and find out. I don't know if the homeowner might be able to speak to that.

Kit Williams: I know in the past; City Councils have given owners additional time when the house was no longer occupied.

Council Member Scroggin: I am hoping that is something that we can do.

Council Member Bunch, spoke and asked if the utilities were still on.

Billy Bryant: As far as I know they still are.

Council Member Bunch, spoke and explained her concern that the utilities are remaining on during the demolition process.

Council Member Harvey, spoke and asked that the daughter of the owner return to the microphone. Council Member Harvey asked if Mya was planning on applying for a demolition permit.

Mya Scharfenberg, spoke and explained that she would apply for the demolition permit. She also explained that the utilities would be turned off the next day. She also explained that she had close friends and family that would be helping with the demolition process. She went on to say that these individuals had experience in the demolition business.

Council Member Wiederkehr: So, what you are asking is, please allow us to do the demolition and your father is planning to come back and preferably live on site in a pre-fab home.

Mya Scharfenberg, spoke and explained that the family is planning on placing a double wide on the property.

Jonathan Curth, Development Services Director spoke and explained that depending on what kind of structure they are putting on the property it may or may not be permitted under the current zoning. He went on to say that the current zoning is RSF-4, Residential Four Units per Acre. That does not allow by right manufactured homes. Mr. Curth encouraged the family to reach to reach out to the building safety department to obtain additional information.

Council Member Wiederkehr, spoke and explained that since Mya's father was no longer living in the home he felt this gave the Council more flexibility.

Council Member Harvey, spoke and asked Mr. Curth what would the appropriate zoning be if the family wanted to put a double wide trailer on the property.

Jonathan Curth, spoke and explained it would probably need to be residential agricultural zoning.

Council Member Hertzberg, spoke and asked if the family could apply for a conditional use permit or would the zoning have to be down zoned.

Jonathan Curth, spoke and explained the property would have to be down zoned.

The City Council received 2 public comments regarding this resolution.

Council Member Kinion, spoke about the location of the property and explained that this area used to be in the rural part of Fayetteville. He also explained that he agreed with giving the family more time to take care of things on this property and agreed with the timeframe of 60 days.

Mayor Jordan: I take it that the Council is considering 60 extra days?

Council Member Harvey moved to table the resolution until the 10/04/2022 City Council meeting. **Council Member Scroggin** seconded the motion. Upon roll call the motion to tabled passed unanimously.

This resolution was tabled until the 10/4/2022 City Council meeting.

RZN 22-022 (3061 East Skillern Rd./Bearden): An ordinance to rezone that property described in rezoning petition RZN 22-022 located at 3061 East Skillern Road in Ward 3 for approximately 2.99 acres from R-A, Residential-Agricultural to RSF-4, Residential Single Family, 4 units per acre. *This agenda item was left on a first reading at the July 5, 2022 City Council Meeting. This agenda item was left on a second reading at the July 19, 2022 City Council Meeting.*

Council Member Scroggin moved to suspend the rules and go to the third and final reading. **Council Member Hertzberg** seconded the motion. Upon roll call the motion passed 7-0. **Council Member Harvey, Jones, Kinion, Wiederkehr, Scroggin, Turk, and Hertzberg** voted yes. **Council Member Bunch** was absent.

City Attorney Kit Williams read the ordinance.

Jonathan Curth, Development Services Director, spoke and explained that he had no additional updates to provide. He went on to explain that additional public comment had been received for the item. He went on to explain that the public comments were in opposition of the applicant's request. Mr. Curth explained that staff felt that this request is compatible with the existing uniformity of the area.

Daniel Bearden, Applicant: I'm here tonight to ask you for your vote to rezone the property to RSF-4, I did speak with Robert Rhoads and heard his pitch. My wife and I do not wish to offer a bill of assurance at this time. As you already know, most of the surrounding properties are zoned RSF-4, so we are not asking for anything out of the norm. Thank you, Mayor and Council, for your time throughout this process. We hope we can move forward after tonight with our plans to build our family home.

Council Member Hertzberg: Could you give us a number or percentage of what properties around that proposed property are zoned RSF-4?

Jonathan Curth, spoke and explained that the property is adjacent to 13 parcels and about half of those are zoned RSF-4. One larger one zoned RA and one PZD to the west of the property.

Council Member Scroggin: I did receive several emails on this. I think people are concerned that it's going to be developed bigger than the one home. Which I think is reasonable to look at. Usually RSF-4 is developed 2.5 sometimes 3 units per acre. This one would actually be pretty difficult to even do that. In my mind if this was built as a development, it would be several single-family houses. I am thinking about 7 to 9. There is not even the acreage to go up to 12 even if they wanted to. I think this is a reasonable request. It matches basically what is around it. It is still single-family. I will be voting for this.

Council Member Hertzberg, spoke and agreed with Council Member Scroggin's statements.

Council Member Scroggin: Would building 7 houses kick in the need for a large scale development?

Jonathan Curth: If they wanted to plat it, build a public street, and build it in a lot and block pattern, this would require a full tree preservation standards and drainage criteria manual standards.

Council Member Scroggin: I believe that would take care of a lot of the concerns. If they weren't platting it, I don't think they have the street frontage to add very many houses if they were going that route. I think this is reasonable.

Council Member Harvey: Is this your ward Sloan?

Council Member Scroggin: It is.

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

Ordinance 6588 as Recorded in the office of the City Clerk

New Business:

Dedication of Reduced Right of Way of East Sparrow Circle: A resolution pursuant to § 166.04(b)(2) of the Fayetteville Unified Development Code to approve the dedication of a reduced amount of right of way on East Sparrow Circle of the Creekside Meadows Subdivision in Ward 1 to 44 feet from the centerline of East Sparrow Circle, and to reduce the Master Street Plan right of way dedication requirement to 44 feet from the centerline of this portion of East Sparrow Circle.

Kit Williams, City Attorney, spoke and explained that the resolution needed to be amended from 44 feet to 22 feet. He went on to explain this correction needed to be made due to a typo.

Council Member Hertzberg moved to amend the resolution from 44 feet to 22 feet. **Council Member Bunch** seconded the motion. Upon roll call the resolution passed 7-0. Council

Member Harvey, Kinion, Wiederkehr, Scroggin, Bunch, Turk and Hertzberg voted yes. Council Member Jones was absent.

Jonathan Curth, Development Services Director, spoke and explained that the request was to dedicate the right-of-way as previously dedicated. Staff recommended approval of this request and had received zero public comment on this item.

Council Member Scroggin moved to approve the resolution. Council Member Hertzberg seconded the motion. Upon roll call the resolution passed 7-0. Council Member Harvey, Kinion, Wiederkehr, Scroggin, Bunch, Turk, and Hertzberg voted yes. Council Member Jones was absent.

Resolution 175-22 as recorded in the office of the City Clerk

2023 Employee Benefits Package: A resolution to approve the 2023 Employee Benefits Package.

Missy Cole, Human Resources Director: Thank you Mayor and Council last week we presented the renewal data from 2022 and our utilization information, and that should also be included in your packet. It is staff's recommendation, along with Gallagher our benefits consultants, that we approve the employee benefits packet using the same vendors and plan designs that we have currently in 2022. The only exception to that is we are recommending a move on our vision plan to VSP which is going to give staff a couple of additional options that they've not had in the past. It also helps with reducing our premium increase that we're going to be seeing as a result of utilization. I'm happy to answer any questions that you might have, and I have Christy I think on the Gallagher on zoom.

Council Member Bunch: Did any of my fellow Council Members receive any calls? I did not get any.

Council Member Kinion: I would like to say from my personal situation of leaving my job I went and signed up for City benefits. I think it is an incredible option that they have put together. I am certainly supportive.

Council Member Harvey moved to approve the resolution. Council Member Hertzberg seconded the motion. Upon roll call the resolution passed 7-0. Council Member Harvey, Kinion, Wiederkehr, Scroggin, Bunch, Turk, and Hertzberg voted yes. Council Member Jones was absent.

Resolution 176-22 as recorded in the office of the City Clerk

Amend §72.15 Parking Restrictions on City Street in General and for Large Trucks, Tractors and Trailers and Non-Emergency Repairs: An ordinance to amend §72.15 Parking Restrictions on City Street in General and for Large Trucks, Tractors and Trailers and Non-

Emergency Repairs to also prohibit overnight parking of motorhomes, recreational vehicles (RV's), fifth wheel trailers and camper trailers.

City Attorney Kit Williams read the ordinance.

Chief Reynolds, spoke and explained the reasons why this ordinance had been created. The Police Department had received numerous calls from a citizen regarding her neighbor parking a 40-foot motorhome in front of her house. Chief Reynolds went on to explain that after talking to the owner of the motorhome it was discovered that the owner was parking the motorhome in front of his neighbors house out of spite. Chief Reynolds explained that if this ordinance is passed it would give the Police Department the ability to address and resolve complaints of this nature.

Council Member Turk, spoke and asked if school buses would be included in this ordinance.

Chief Reynolds, spoke and explained that if the school bus had been converted to recreational vehicle then it would fall under this ordinance. He went on to explain that the biggest issue is safety, it makes it very difficult to pull in and out of a driveway when these recreational vehicles are parked along the street.

Council Member Turk: Have you had any complaints about school busses parked in the road like you have with motorhomes.

Chief Reynolds: I do not recall any school busses converted over, any vans converted over, anything like that. Particularly it has been these large motorhomes being parked on city streets within the city.

Council Member Turk: Do you think you have enough discretion with the way the ordinance is written right now that if there was a school bus blocking the way, and it is a safety issue that you would have the authority to ask them to move it? If it became contentious do you have the authority to do something about it?

Chief Reynolds, spoke and reiterated what he had said earlier regarding if it was a school bus that had been converted for recreational use.

Council Member Kinion, spoke and provided an additional comment regarding some businesses in the area that go around and pick up citizens.

Chief Reynolds, spoke and explained that he had not heard any complaints regarding businesses using buses to transport citizens. Chief Reynolds went on to explain that all the complaints received have been for rvs and motorhomes that are being parked on the street for a long period of time.

Kit Williams, City Attorney, spoke and explained that when he drafted the ordinance, he worked with the police chief. He went on to explain that this ordinance addresses current problems that the Police Department is receiving complaints for.

Chief Reynolds, spoke and provided additional information regarding an upcoming amendment regarding alleyways.

Council Member Bunch: I feel comfortable enough with the way it is written that we don't need to include anything for school buses that people might be living in.

Council Member Harvey: About how many calls or complaints have been received, generally, on the issue?

Chief Reynolds, spoke and provided an estimated number of half dozen on an annual basis. He went on to explain that when these vehicles park on the street it causes issues for safety vehicles like firetrucks to pass through.

Jonathan Curth, Development Services Director, spoke and explained that the Planning Department receives a lot of complaints regarding the motorhomes, rvs and other recreational vehicles.

Chief Reynolds, spoke and explained that before any enforcement takes place the Police Department always tries to reason with individuals who are parked along the street.

The City Council received 2 public comments regarding this ordinance.

Council Member Scroggin: Are people allowed to park rvs on their own property.

Chief Reynolds: Yes, absolutely.

Council Member Scroggin: So, if somebody needs to live at one of these single-family home houses, they can park the rv there. I have a concern that if we have people living in these where is there waste going. I don't think they are going to go down to one of the rv parks. There is concerns there. I do realize that people do live temporarily in these. If this removed that ability, I would hesitate on this. We are not taking that away. Would this be something that is complaint driven or would you direct your officers to look for this?

Chief Reynolds: No, this would be complaint driven. Our officers don't have the time to drive around and look specifically for parking complaints. Usually anything that is minor violation like this is complaint driven by the neighbors. We heard Mr. Smith talk in his neighborhood he wouldn't have a problem with it. If he didn't complain then we wouldn't go in there and proactively enforce something like that.

Council Member Hertzberg moved to suspend the rules and go to the second reading. Council Member Harvey seconded the motion. Upon roll call the motion passed 7-0. Council Member Harvey, Kinion, Wiederkehr, Scroggin, Bunch, Turk, and Hertzberg voted yes. Council Member Jones was absent.

City Attorney Kit Williams read the ordinance.

Council Member Hertzberg moved to suspend the rules and go to the third and final reading. Council Member Harvey seconded the motion. Upon roll call the motion passed 7-0. Council Member Harvey, Kinion, Wiederkehr, Scroggin, Bunch, Turk, and Hertzberg voted yes. Council Member Jones was absent.

City Attorney Kit Williams read the ordinance.

Council Member Harvey, spoke and thanked the Chief of Police for bringing this item forward.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Council Member Harvey, Kinion, Wiederkehr, Scroggin, Bunch, Turk, and Hertzberg voted yes. Council Member Jones was absent.

Ordinance 6589 as Recorded in the office of the City Clerk

Amend §51.170 Standard Specifications for Water and Sewer Lines: An ordinance to amend §51.170 Standard Specifications for Water and Sewer Lines and adopt the *Standard Specifications for Design and Construction of Water Lines and Sewer Lines, 2022 Edition.*

City Attorney Kit Williams read the ordinance.

Tim Nyander, Utilities Director spoke and explained the standardized construction of water and sewer lines in the jurisdiction of the city. He went on to explain the history of this ordinance and explained that this ordinance provides a better understanding of best practices.

Council Member Harvey moved to suspend the rules and go to the second reading. Council Member Scroggin seconded the motion. Upon roll call the motion passed 7-0. Council Member Harvey, Kinion, Wiederkehr, Scroggin, Bunch, Turk, and Hertzberg voted yes. Council Member Jones was absent.

City Attorney Kit Williams read the ordinance.

Council Member Harvey moved to suspend the rules and go to the third and final reading. Council Member Scroggin seconded the motion. Upon roll call the motion passed 7-0. Council Member Harvey, Kinion, Wiederkehr, Scroggin, Bunch, Turk, and Hertzberg voted yes. Council Member Jones was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Council Member Harvey, Kinion, Wiederkehr, Scroggin, Bunch, Turk, and Hertzberg voted yes. Council Member Jones was absent.

Ordinance 6590 as Recorded in the office of the City Clerk

J.A. Riggs Tractor Company D/B/A Riggs Rental Services: An ordinance to waive competitive bidding and accept a quote in the amount of \$150,671.03 plus applicable taxes and freight charges from J.A. Riggs Tractor Company D/B/A Riggs Rental Services for the emergency rental of a 2,000 Kilowatt Generator for the Noland Water Resource Recovery Facility, and to approve a project contingency in the amount of \$30,134.21.

City Attorney Kit Williams read the ordinance.

Council Member Scroggin moved to suspend the rules and go to the second reading. Council Member Harvey seconded the motion. Upon roll call the motion passed 7-0. Council Member Harvey, Kinion, Wiederkehr, Scroggin, Bunch, Turk, and Hertzberg voted yes. Council Member Jones was absent.

City Attorney Kit Williams read the ordinance.

Tim Nyander, Utilities Director spoke and explained the history of the generator. He went on to say that the generator failed that is housed at the plant and will need to be rebuilt.

Council Member Harvey, spoke and asked if the photos provided in the packet photos of the new generator or the old generator.

Tim Nyander, spoke and explained that the photos are of the rental generator that the plant must have in order to keep up with the load.

Council Member Scroggin moved to suspend the rules and go to the third and final reading. Council Member Bunch seconded the motion. Upon roll call the motion passed 7-0. Council Member Harvey, Kinion, Wiederkehr, Scroggin, Bunch, Turk, and Hertzberg voted yes. Council Member Jones was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Council Member Harvey, Kinion, Wiederkehr, Scroggin, Bunch, Turk, and Hertzberg voted yes. Council Member Jones was absent.

Ordinance 6591 as Recorded in the office of the City Clerk

J.A. Riggs Tractor Company D/B/A Riggs Cat: An ordinance to waive competitive bidding and accept a quote in the amount of \$251,509.00 plus applicable taxes and freight charges, from J.A. Riggs Tractor Company D/B/A Riggs Cat for the rebuild of a generator for the Noland Water Resource Recovery Facility, to approve the purchase of a 5-year warranty in the amount of \$15,181.00, and to approve a project contingency in the amount of \$50,301.80.

City Attorney Kit Williams read the ordinance.

Tim Nyander, Utilities Director, spoke and explained that the City of Fayetteville requested J.A. Rigs Tractor Company to evaluate the generator that failed. Rigs determined that the generator needed to be rebuilt. This rebuild comes with a five-year warranty. If the City were to purchase a new generator it would cost around \$2.2 million dollars and take up to a year to receive.

Council Member Hertzberg: Typically, how long does the rebuild take?

Tim Nyander: They have estimated 4 months. If it takes less than that they will not charge us for using the rental generator.

The City Council received 1 public comment regarding this ordinance.

Council Member Scroggin, spoke and asked if staff would like to respond to the person who made the public comment.

Tim Nyander: As I said before, Rigs is the only authorized dealer in our area. You get into territorial conflicts when you try to bring in from outside our area. That is why we went with Rigs.

Council Member Scroggin moved to suspend the rules and go to the second reading. Council Member Harvey seconded the motion. Upon roll call the motion passed 7-0. Council Member Harvey, Kinion, Wiederkehr, Scroggin, Bunch, Turk, and Hertzberg voted yes. Council Member Jones was absent.

City Attorney Kit Williams read the ordinance.

Council Member Scroggin moved to suspend the rules and go to the third and final reading. Council Member Harvey seconded the motion. Upon roll call the motion passed 7-0. Council Member Harvey, Kinion, Wiederkehr, Scroggin, Bunch, Turk, and Hertzberg voted yes. Council Member Jones was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Council Member Harvey, Kinion, Wiederkehr, Scroggin, Bunch, Turk, and Hertzberg voted yes. Council Member Jones was absent.

Ordinance 6592 as Recorded in the office of the City Clerk

VAC 22-017: (9 S. Block Ave./Holcomb): An ordinance to approve VAC 22-017 for property located at 9 South Block Avenue in Ward 2 to vacate a 30 square foot portion of an alley right-of-way.

City Attorney Kit Williams read the ordinance.

Jonathan Curth, Development Services Director, spoke and explained that the location of this alley right-of-way is in between two business in the downtown square. The request is to vacate approximately 30 square feet along the western edge of the property from the existing alley. The applicant would like to vacant in order to use the staircase to access the roof and the rest of the building. He went on to explain that this change would not affect connectivity or access. No public comment was received regarding this item.

Joe Holcomb, Applicant, spoke and explained that he is available to answer any questions.

Council Member Harvey moved to suspend the rules and go to the second reading. **Council Member Hertzberg** seconded the motion. Upon roll call the motion passed 7-0. **Council Member Harvey, Kinion, Wiederkehr, Scroggin, Bunch, Turk, and Hertzberg** voted yes. **Council Member Jones** was absent.

City Attorney Kit Williams read the ordinance.

Council Member Harvey moved to suspend the rules and go to the third and final reading. **Council Member Scroggin** seconded the motion. Upon roll call the motion passed 7-0. **Council Member Harvey, Kinion, Wiederkehr, Scroggin, Bunch, Turk, and Hertzberg** voted yes. **Council Member Jones** was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. **Council Member Harvey, Kinion, Wiederkehr, Scroggin, Bunch, Turk, and Hertzberg** voted yes. **Council Member Jones** was absent.

Ordinance 6593 as Recorded in the office of the City Clerk

Announcements:

Susan Norton, Chief of Staff, spoke and explained that the ARPA workshop would be held on August 6, 2022 from 9:00 AM to Noon in room 219. She went on to explain the format for the meeting.

City Council Agenda Session Presentations:

Agenda Session Presentation - Economic Vitality Contract Services Semi-Annual Update, Devin Howland

City Council Tour:

Adjournment: 7:49 PM



Leonel Jordan, Mayor



Kara Paxton, City Clerk Treasurer



