

Council Member Sonia Gutierrez
Ward 1 Position 1

Council Member D'Andre Jones
Ward 1 Position 2

Council Member Mark Kinion
Ward 2 Position 1

Council Member Matthew Petty
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 Kara Paxton

**City of Fayetteville Arkansas
City Council Meeting
April 6, 2021**

A meeting of the Fayetteville City Council was held on April 6, 2021 at 5:30 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.

In order to create social distancing due to the Coronavirus, COVID-19 pandemic, Chief Financial Officer Paul Becker, Council Members Sonia Gutierrez, D'Andre Jones, Mark Kinion, Matthew Petty, Sloan Scroggin, Sarah Bunch, Teresa Turk, and Holly Hertzberg joined the meeting via online using a video conferencing service called Zoom.

Council Member Jones and Council Member Petty were absent during Roll Call.

Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Treasurer Kara Paxton, Chief of Staff Susan Norton, Chief of Police Mike Reynolds, Fire Chief Brad Hardin, and staff members from the IT Department were present in City Council Chambers while demonstrating recommended social distancing.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Mayor Jordan: In light of the current health concerns, Fayetteville City Hall is closed to the public. This meeting is being held virtually. I am present in Council Chambers with a limited number of essential support staff. City Council Members, city staff, and the public are participating online or by phone. Other than those of us you see before you, the voices you hear during the course of this meeting are being recorded for public record and piped into the Council Chambers. Participation remains of the upmost importance to the City of Fayetteville. We have provided many ways to participate in the meeting, which includes contacting Council Members, City Clerk office

or city staff prior to the meeting. The meeting can be viewed through Fayetteville's government channel online, YouTube, and joining the Zoom conference by smartphone, tablet or computer. To request to speak during the public comment period, you must raise your virtual hand to be recognized. If you are accessing the meeting through a smartphone, tablet or computer, please click the raised hand option to request to speak during the public comment period. If you are calling into the meeting by phone, please press, *9 to raise your virtual hand for public comment. When it is your turn to speak, please unmute your microphone. For instructions on how to use Zoom, please go to the City of Fayetteville website and type, Zoom Instructions, in the search bar. I will provide a longer than usual period of time for you to raise your virtual hand, so as to ensure time to be recognized. Fayetteville residents will be allowed to speak first. When recognized, please state your name and address for the record. Public comment shall be allowed for all members of the audience who have signed up prior to the beginning of the agenda item they wish to address being opened for public comment. Each speaker has one turn to speak. Each speaker is allowed five minutes to be broken into segments of three and two minutes, which staff will monitor. Amendments may receive public comments only if approved by the City Council by unanimous consent or majority vote. If public comment is allowed for an amendment, speakers will only be allowed to speak for three minutes. The City Council may allow both a speaker additional time and an unsigned-up person to speak by unanimous consent or majority vote.

City Council Meeting Presentations, Reports, and Discussion Items:

Advertising and Promotion Commission Appointments Confirmation

Council Member Bunch spoke briefly about not being sure if she received an email about the Advertising and Promotion Commission Appointments Confirmation.

Kara Paxton, City Clerk Treasurer: Lisa Branson, Deputy City Clerk, sent on March 18, 2021 an A&P Commission Appointments email to Council Member Bunch and carbon copied Council Members Kinion, Turk, Gutierrez, and myself.

Council Member Bunch: Thank you for pointing that out to me, Kara. I don't know how I lost an email. We have a letter from Molly Rawn, the CEO of Experience Fayetteville. The A&P Committee interviewed nine applicants. They chose to recommend Andrew Prysby for the Public at Large position. The Tourism Industry position is to go to the existing committee member, Todd Martin. The Nominating Committee were all in agreement with that. We did not ask to re-interview the people.

Council Member Bunch moved to approve the Advertising and Promotion Commission Appointments. Council Member Turk seconded the motion. Upon roll call the motion passed unanimously.

Agenda Additions: None

Consent:

Approval of the March 2, 2021 and March 16, 2021 City Council meeting minutes.

APPROVED

Office Furniture Purchase As-Needed Basis: A resolution to authorize the purchase of office furniture on an as-needed basis from various vendors and for varying unit prices, pursuant to Cooperative Purchasing agreements approved by the Arkansas Office of State Procurement, through March 31, 2023 and any future renewal periods.

Resolution 97-21 as recorded in the office of the City Clerk

Bid #21-28 Diamond C Construction Company - 2019 Trail Improvement Bond Project: A resolution to award Bid #21-28 and authorize a contract with Diamond C Construction Company in the amount of \$377,146.74 for construction of a trail connection and bridge over Hamestrang Creek, to approve a project contingency in the amount of \$50,000.00, and to approve a budget adjustment - 2019 Trail Improvement Bond Project.

Resolution 98-21 as recorded in the office of the City Clerk

Bid #21-26 Sweetser Construction, Inc. - 2019 Drainage Improvements Bond Project: A resolution to award Bid #21-26 and authorize a contract with Sweetser Construction, Inc. in the amount of \$197,127.50 for construction of the Ramsey Avenue Drainage Improvements Project, to approve a project contingency in the amount of \$29,500.00, and to approve a budget adjustment - 2019 Drainage Improvements Bond Project.

Resolution 99-21 as recorded in the office of the City Clerk

RFQ 20-01, Selection #25 McClelland Consulting Engineers - 2019 Economic Development Bond Project: A resolution to approve a Professional Engineering Services Agreement with McClelland Consulting Engineers, Inc., pursuant to RFQ #20-01, Selection 25, in the amount of \$215,885.00 for design services associated with the Industrial Drive Extension Project, contingent on approval by the Economic Development Administration, and to approve a budget adjustment - 2019 Economic Development Bond Project.

Resolution 100-21 as recorded in the office of the City Clerk

American Electric Power - 2019 Transportation Bond Project: A resolution to approve an amended Utility Relocation Agreement with American Electric Power in the amount of \$53,020.61 for utility relocations related to the Church Avenue/Meadow Street Sidewalk Project, and to approve a budget adjustment- 2019 Transportation Bond Project.

Resolution 101-21 as recorded in the office of the City Clerk

RFQ #21-01 McClelland Consulting Engineers, Inc and GTS, Inc.: A resolution to award RFQ #21-01, Selection #2 and authorize McClelland Consulting Engineers, Inc. as primary supplier and GTS, Inc. as secondary supplier of on-call materials testing services based on price and availability as needed through March 31, 2022.

Resolution 102-21 as recorded in the office of the City Clerk

RFQ #21-01 McClelland Consulting Engineers, Inc. and Olsson Associated, Inc.: a resolution to award RFQ #21-01 and approve McClelland Consulting Engineers, Inc. as primary provider and Olsson Associates, Inc. as secondary provider of on-call surveying services as needed through March 31, 2022.

Resolution 103-21 as recorded in the office of the City Clerk

RFP #20-05 Reed & Associates, Inc and Rife and Company Appraisers Inc.: A resolution to award RFQ #20-05 and authorize the purchase of on-call appraisal services from Reed & Associates, Inc. and Rife and Company Appraisers, Inc. as needed through December 31, 2021 with three automatic one-year renewals.

Resolution 104-21 as recorded in the office of the City Clerk

Black Hills Energy Arkansas, Inc. Utility Easement: A resolution to approve the dedication of approximately 1,674 square feet of permanent utility easement at the southwest corner of Walker Park and approximately 2,911 square feet of permanent utility easement on Lot 5, Block 7 of Burl Dodd Subdivision to Black Hills Energy Arkansas, Inc. for placement of a gas pipeline.

Resolution 105-21 as recorded in the office of the City Clerk

Amend Resolution 76-21: A resolution to amend Resolution 76-21 and authorize the purchase of a John Deere Loader from Stribling Equipment, LLC of Springdale in the amount of \$165,957.86 plus applicable taxes and freight charges, pursuant to a Sourcewell Cooperative Purchasing contract.

Resolution 106-21 as recorded in the office of the City Clerk

Whiting Systems, Inc.: A resolution to approve the purchase of car wash chemicals from Whiting Systems, Inc., pursuant to a Houston-Galveston Area Council Cooperative Purchasing contract, in various quantities for the duration of the contract.

Resolution 107-21 as recorded in the office of the City Clerk

Springdale Tractor, Inc.: A resolution to approve the purchase of a backhoe replacement engine from Springdale Tractor, Inc. in the amount of \$13,577.51, plus any applicable sales taxes and freight charges, and to approve a budget adjustment.

Resolution 108-21 as recorded in the office of the City Clerk

Howard Technology Solutions: A resolution to approve the purchase of audio-visual equipment and associated installation services from Howard Industries, Inc. in the amount of \$25,418.19, pursuant to a National Association of State Procurement Officials ValuePoint cooperative purchasing contract, and to approve a project contingency in the amount of \$2,541.81.

Resolution 109-21 as recorded in the office of the City Clerk

Insituform Technologies, LLC: A resolution to approve a one year contract extension with Insituform Technologies, LLC in an amount not to exceed \$528,693.55 for rehabilitation of sanitary sewer mains using cured-in-place sanitary sewer linings.

Resolution 110-21 as recorded in the office of the City Clerk

Krapff Reynolds Construction Company: A resolution to approve a one year contract extension with Krapff Reynolds Construction Company in the amount of \$590,789.00 for rehabilitation of sanitary sewer manholes throughout Fayetteville.

Resolution 111-21 as recorded in the office of the City Clerk

RFQ 21-01 selection #3 FTN Associates, Ltd.: A resolution to authorize a contract with FTN Associates, Ltd., pursuant to RFQ 21-01 Selection #3, for the development of a Toxicity Reduction Evaluation Action Plan for the West Side Water Resource Recovery Facility in the amount of \$45,000.00, and to approve a project contingency in the amount of \$9,000.00.

Resolution 112-21 as recorded in the office of the City Clerk

Crossland Heavy Contractors, Inc. Change Order No. 1: A resolution to approve Change Order No. 1 with Crossland Heavy Contractors, Inc. in the amount of \$457,176.00 for the construction of a green parking lot at Kessler Mountain Regional Park, to approve a project contingency in the amount of \$46,000.00, and to approve a budget adjustment.

Resolution 113-21 as recorded in the office of the City Clerk

RFQ #19-01 Selection #19 Garver Engineering Change Order No. 2: A resolution to approve Change Order No. 2 with Garver, LLC in the amount of \$11,470.00 for construction administration services associated with the green parking lot at Kessler Mountain Regional Park, to approve a project contingency in the amount of \$3,000.00, and to approve a budget adjustment.

Resolution 114-21 as recorded in the office of the City Clerk

Amend Resolution 34-21: A resolution to amend Resolution 34-21 to reduce the amount of re-appropriations to the 2021 budget by \$10,658,481.00, and to approve a budget adjustment.

Resolution 115-21 as recorded in the office of the City Clerk

Flintco, LLC Change Order No. 2 - 2019 Police Headquarters Bond Project: A resolution to approve Change Order No. 2 to the Construction Manager at Risk Contract with Flintco, LLC for the Police Headquarters project in the amount of \$3,943,963.00, to approve a project contingency in the amount of \$100,000.00, and to approve a budget adjustment - 2019 Police Headquarters Bond Project.

Resolution 116-21 as recorded in the office of the City Clerk

2021 Fire and Police Pay and Benefits Study: A resolution to approve the 2021 Fire and Police Pay and Benefits study prepared by the Johanson Group, and to adopt the 2021 Fire and Police step pay plans.

Resolution 117-21 as recorded in the office of the City Clerk

Council Member Turk moved to accept the Consent Agenda as read. Council Member Kinion seconded the motion. Upon roll call the motion passed unanimously.

Unfinished Business:

Short-Term Rental Regulations: An ordinance to amend §118.01 *Applicability* of Chapter 118 **Business Registry and Licenses**, Chapter 151 **Definitions**, Chapter 161 **Zoning Regulations**, §162.01 *Establishment/Listing* of Chapter 162 **Use Units**, and Chapter 163 **Use Conditions** of the *Unified Development Code* to classify the types of Short-Term Rentals and create regulations to permit and inspect the rentals. *This agenda item was tabled until the first meeting in 01/2021. At the December 1, 2020 City Council meeting this item was tabled until the 01/05/2021 City Council meeting. At the January 5, 2021 City Council meeting this item was left on the second reading and tabled until the February 16, 2021 City Council meeting. At the February 18, 2021 City Council meeting this item was left on the second reading and tabled until the March 16, 2021 City Council meeting. This item was sent back to the Ordinance Review Committee. At the March 16, 2021 City Council meeting this item was tabled to the 04/06/2021 City Council meeting. This item is currently on the second reading.*

There was a brief discussion about tabling the item or going to a third reading.

Council Member Turk 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 7-1. Council Members Scroggin, Bunch, Turk, Hertzberg, Gutierrez, Jones, and Petty voting yes. Council Member Kinion voting no.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: I sent out to you what the Ordinance Review Committee had asked me to do, which is include a Sunset Clause to this enactment ordinance. I would hope that we would amend this enactment ordinance to include the Sunset Clause as recommended by the Ordinance Review Committee before any tabling is done.

Council Member Scroggin stated he would like to amend the ordinance to add the Sunset Clause and Council Member Gutierrez stated she would support that amendment. There was a brief discussion about the proposal.

Council Member Turk: I agree with the inclusion of the Sunset Clause, but 20 months is too long. I'd prefer to shorten that time period to about 12 months.

Mayor Jordan: Council Member Turk, you want to go from 20 months to 12 months?

Council Member Turk: That's correct.

Council Member Bunch: Why did we choose 20 months?

City Attorney Kit Williams: There's a six month break-in period in the ordinance.

Council Member Bunch: That makes sense.

Council Member Scroggin: We wanted to hit all major events after the six month grace period. If we're missing something like, Bikes Blues & Barbecue or Christmas, we wanted to make sure all the different events during the year don't cause significant issues.

Council Member Bunch: Since we've got that six month grace period, if we did a year, we'd only actually have six months of real information?

Council Member Scroggin: Yes. Council Member Turk is concerned we can't fix stuff early. Is that true we wouldn't be able to fix things early? In six to nine months from now if we realized there's an issue, could we start fixing it then?

City Attorney Kit Williams: It depends on what fixes we want to put in it. If you made a very substantial change, that would still make it somewhat shaky. You might want to make it slightly shorter. The Ordinance Review Committee wanted to have at least a year. You could reduce it to 18 months, and you would still have a year when it's totally in effect. The reason we put the Sunset Clause is because it protects us from the Private Property Protection Act. The same ordinance that would give them the right to operate, would also sunset it, so they couldn't complain if we changed it or didn't continue it, at that time. If we did it ahead of time, there could be some problems with the Private Property Protection Act.

Council Member Scroggin: I'm hoping we don't sunset it, after we sunset it. I'm a little more okay with enough time to get all that data. The reason it wasn't six months, plus a year, it does take some time to compile the data and have us look at it.

Council Member Turk: Because this issue is so complex and if we do have to make a major adjustment, I would like to have that option. That's why I'm suggesting it's a shorter term than 20 months. I understand we need good information. We need to have some relevant and valid data. I want to make sure if we have some serious problems that we can make those adjustments quickly and not have anything in our way.

Council Member Petty: As a member of the Ordinance Review Committee, we discussed the timing of the sunset at length and for the reasons Chairperson Scroggin enumerated. We talked about the value of the sunset in terms of setting expectations for people that might want to operate under the ordinance. Right now, we've got a couple hundred of these operating illegally in the city, which is why we are considering this. You should vote no on this, if you expect it's wrong enough that it's going to require major changes before the sunset is here. If it turns out the ordinance has not been formed correctly through all of our deliberations and we do have something structurally wrong with it, or there is some major impact that was unintended, we will declare an emergency and amend it as soon as possible. I have faith the Council can enter into those kinds of deliberations with reasonable expectations for addressing real problems. The Ordinance Review Committee discussed the timing of the sunset and the grace period at length.

City Attorney Kit Williams: The only amendment that's on the floor is the one proposed by the Ordinance Review Committee. Council Member Turk's second proposed amendment on that has not had a second yet.

Council Member Turk moved to amend the ordinance to go from 20 months to 12 months. The motion died due to a lack of a second.

Council Member Scroggin moved to amend the ordinance to add the Sunset Clause. Council Member Gutierrez seconded the motion. Upon roll call the motion passed unanimously.

Mary McGetrick, Long Range Planning & Special Projects Manager gave a brief description of the ordinance. She stated Airbnb is the major platform people use to list their properties, but there are numerous other platforms. She stated when we talk about Short Term Rentals, we're not explicitly talking about Airbnb's. She stated it has been noted the language in this section could be potentially challenging as it allows those operators that have been potentially operating illegally to move into compliance in the grace period with proof of operation, but does not grant those same privileges to landlords who would like to operate Short Term Rentals and have not been operating illegally. She stated staff proposes the potential solution to this and a way to level the playing field, is to strike the qualification requiring that a Short Term Rental operator provide proof of operation. She stated if a landlord has current long term tenants and want to obtain a Short Term Rental Permit for use in the future so they're contractually bound to a long term lease in the six month period, they would also be able to have the opportunity to apply for a permit within the grace period. She continued to speak briefly about the proposed changes. She gave a brief synopsis of the Short Term Rental types. She spoke about state and local taxes. She spoke about enforcement and compliance.

Mayor Jordan: On enforcement, I don't think the Police Department enforces that sort of thing. Do they Chief Reynolds?

Mike Reynolds, Chief of Police: That's not something we would normally enforce. That would usually fall under something to do with code compliance. I've not had any communication on this issue.

Mary McGetrick: Any ordinance that would be code compliant, we would investigate as staff, which we do now. If there's anything illegal, such as a nuisance complaint, noise complaint or a large party, that is reported to PD.

Council Member Bunch: Regarding duplexes, some places where it's not an apartment complex or anything, but there might be two to four duplexes right together. If someone owns property like that, would they be limited to one STR for all the duplexes they have, or would it be one per unit? A duplex would be one unit.

Mary McGetrick: I believe duplexes, triplexes and fourplexes are not considered multifamily. If someone has three duplexes, they would be able to operate as if each one would be an individual grouping of units. They would be able to have one Short Term Rental in each building. Is that correct Jonathan?

Jonathan Curth, Development Services Director: Correct. The city's Unified Development Code defines multifamily differently than it does single, two or three family dwellings.

Council Member Turk: When you looked at other cities, did they have restrictions in place like we do for what is considered a family, with three unrelated people in a residential area? Do they have similar kinds of restrictions and had any of those been challenged legally?

Mary McGetrick: I would have to go back through my research to tell you exactly the occupancy limits for each city. Ours was probably one of the more stringent. A lot of them had four to five unrelated people in a home. I think the City of Austin tried to not increase occupancy and there was a suit brought against them and they lost. They were required to allow that increased occupancy for Short Term Rentals. We did have some of the stricter occupancy requirements.

Council Member Turk: Were any of the occupancy requirements, like the one we have, were those overruled or eliminated because of the Short Term Rentals? I am sure my neighborhood was one of the major movers in getting that three number of unrelated people limit in place. That has been extremely helpful, and they would not want to lose that.

Mary McGetrick: As far as I can find, no. They were required to add a line of code that stated the expanded occupancy only applied when the unit was operated as a Short Term Rental, which I've included in ours. None of the occupancy levels or rates were directly challenged or required to be amended. The Short Term Rental code was required to be amended to account for that change.

Council Member Bunch: If you had one that operated sometimes as a Long Term Rental and sometimes it was a Short Term Rental, that would only apply when it was used as a Short Term Rental?

Mary McGetrick: That is correct.

Council Member Bunch: If you were using it as a Long Term Rental and you bounced back and forth, that would still be in effect?

Mary McGetrick: That is correct. If you were bouncing back and forth between Long Term and Short Term, you would be responsible for meeting the requirements of the code for Short Term at the time it was operated as a Short Term Rental.

Council Member Hertzberg: After our Ordinance Review Committee meeting, I spoke with a couple of different residents who were concerned about the occupancy and the associated parking.

Mary McGetrick: There's been some concern about parking. We have some districts in the city that required residential parking permits for on-street parking, but for the most part, on-street parking is allowed throughout the city. Right now, if you're in a residential area, you can have four cars in the driveway. If it's allowed, you can park in the street. That would not change for Short Term Rentals. You would be required to meet the parking requirements and limits of your underlying zoning. Now, if you have a Long Term Rental and you had guest, you could park in the street, however, with a Short Term Rental ordinance, special events are not allowed. You wouldn't be able to have 20 or 30 cars there.

Council Member Turk: What I'm concerned about is the establishment of a pattern. A pattern can be 3 things or 10 things and could be valid concerns so egregious that Development Services or Fayetteville PD might take action. Do you have thoughts or narrowed down language about what the pattern would entail? I've gotten a lot of complaints from residents. On my block, I have a neighbor that has a Short Term Rental or it's a pure Type 1. I have another Short Term Rental that's a pure Type 2 and I have a Short Term Rental that I would call the Type 3. The Type 2 has had a lot of complaints. There is a reluctance to grandfather them in, under what we had discussed in prior versions. There's a request to find out exactly what enforcement would be because of problems in the past. It's important we very clearly identify how we handle enforcement before we go forward.

Mary McGetrick: I totally agree. With the transient nature of this type of rental, enforcement can be difficult, but we have a good system set up. We haven't received a ton of complaints. I understand in the past few years that maybe the reason is because people don't really know where to go to complain. We would be starting with a level playing field here. If a complaint comes from someone that is licensed, it would be investigated. We do have a process setup for Code Compliance and for occupancy complaints.

Jonathan Curth spoke about enforcement. He stated it is a complaint based system. He briefly went through the process of what occurs once a complaint is made.

Council Member Turk: What if someone was out of compliance twice, letters were sent, and they had responded. At what point would you take away their business license? Is that an internal decision within the city or does that have to go to the Prosecuting Attorney?

Jonathan Curth: There is a specific process for business licenses. It begins in Development Services. We are the issuing authority for business licenses. Once we've established there's a violation, we work with administration, specifically the Chief of Staff to establish a hearing, where the business license holder has their opportunity to make their case. The license can be upheld or affirmed. It could be revoked, or it can be put in some state of probation. If there's another violation

in that period, it creates a heightened expectation that it will be revoked after that point. Beyond that, our City Attorney's office has always done a thorough job of making sure the city protects us and residents through due process, there is a final step, where the action that comes from that hearing can be appealed to the City Council.

Council Member Turk requested the definition of a Type 1.

Mary McGetrick briefly described the definition of a Type 1.

Council Member Turk stated it's going to be hard to track but thinks at a minimum we should say that somebody should live there nine months a year. She stated she doesn't know what the state requirement is for the homestead exemption, but it seems like an easy way to skirt around a Type 1 with the way it's drafted right now.

Council Member Bunch: This is a good place to start. We have to have something in place. Right now, we've got people renting out houses, whether they're Type 1 or Type 2 and are breaking our ordinance. Before saying you have to live in the house for nine months out of the year, I'd rather wait and see if that's going to be a monumental problem before we establish something like that. It may be a problem in your neighborhood Council Member Turk, but maybe it's not all across the city. I don't want to craft everything based on what happens in your neighborhood.

Council Member Turk requested for City Attorney Kit Williams to discuss the memo he sent out to Council about an alternative proposal.

City Attorney Kit Williams: I presented Option 2 to the Ordinance Review Committee, but I got it to them too late to have any kind of real discussion on it. I apologize for that. This is an important issue involving equal protection of the laws. It's my job as City Attorney to point out potential issues before any real action was taken. I discussed as Option 1 to allow everybody that wanted one, to get a Conditional Use legislatively, so they wouldn't have to go to the Planning Commission, whether it's a Type 1, Type 2 or whatever. The major problem with that is that's more fair to the people that have been acting landlords and have been following our code, rather than breaking it, but on the other hand, that means you could have these more dense Short Term Rentals that could have 8 to 12 people in them throughout the city in any residential neighborhood. There won't be any Conditional Use requirements and people just do it as a right. We would be giving them a Conditional Use and it could cause problems in the neighborhoods. Going back to the drafting of the current definition of family, there was a lot of neighborhood concerns, and it was mainly over occupancy and parking. This definition of family was enacted by the City Council to address that and it did a very good job. The option where you give everybody a Conditional Use Permit means you're not being more unfair to the people following the law, but it's a dangerous thing for all of the residential neighborhoods to suddenly have what would be called Type 2 or a micro-hotel in their neighborhood. What I proposed to the Ordinance Review Committee and also included as my Option 2 is much less regulatory, but a potential solution where a Type 1 or what I would call a residential Short Term Rental would follow the current requirements for a normal rental. It would follow the density requirements, no more than three or four if it's in a multi-family zone. The major problems we would face as a city in enforcement and trying to keep problems from occurring, would be those larger Short Term Rentals, which has been defined as Type 2 by

Planning. I would call them either a mini or micro-hotel because they are acting like that. I would recommend concentrating our regulatory actions on these micro-hotels. My suggestion, when it comes to the residential Short Term Rentals that would be following all the normal rules, I would not even require them to have almost any regulations. They have to pay the HMR taxes, but beyond that they could be regulated like a normal rental. They're having a shorter term for tenants and if everything else is the same as a regular rental, I don't think there's any specific reason we would have to place new regulations on them beyond making sure they pay the HMR taxes. For the micro-hotels, I would follow much of what Planning has suggested for Short Term Rentals, Type 2's, where they have different requirements such as insurance, inspections, and someone has to appear there within three hours. I wouldn't have that for the Short Term Rentals that are regular rentals. Mine would be a much less regulatory, where I wouldn't place additional regulations on residential Short Term Rentals as long as they follow the normal rules, but with micro-hotels, they would have to get a Conditional Use. I would include them in what is now allowed in our residential districts from RSF-4, on. They do allow limited business in all these residential districts, but the limited business is limited in size, so they're more likely to fit into the residential area. In order to have a limited business in an RSF-4 area, you have to get a Conditional Use from the Planning Commission to allow a limited business. They would also be included micro-hotels, as general businesses, which are in other districts and those districts allow an 8,000 square foot micro-hotel, where in a residential area, the micro-hotel would be limited to 3,000 square feet, just like all the other businesses. That would hopefully make it less dangerous or upsetting to the neighborhood. I need to know whether there's any interest on the City Council to have a less regulatory system for regular residential Short Term Rentals, as opposed to micro-hotels. If you want to go in the direction that Planning is, that's fine, but it does have some constitutional problems.

Council Member Bunch: I thought micro-hotels were hotels with tiny little rooms. I've never heard the phrase micro-hotel used until we got this email. We have Type 1, Type 2 and possibly Type 3. All of a sudden, we are calling something a micro-hotel. That's what is confusing to me. Kit, you are also calling them the regular rentals versus the irregular rentals. I'm fine with referring to them as the way we've been referring to them as Type 1, Type 2 and possibly a third type, instead of trying to throw in new lingo here at the last minute. Mary, did you come across micro-hotels in any of your research?

Mary McGetrick: I didn't. It's not a term usually associated with Short Term Rentals. It is associated with studio rentals, like in a hotel or a motel.

City Attorney Kit Williams: I'm not wedded to micro-hotels. In my memo, I would refer to it as micro-hotel, although any other easy to understand term would be acceptable. I would like to differentiate a Type 2 rental from a residential rental. We need to show it's actually a commercial establishment. Therefore, its density allowances for numbers of people in there are not the same as residential allowances, which the other residential Short Term Rentals would have. I want a differentiate in term, whether it's micro-hotel, mini hotel or whatever business term you would use to describe them, so it's clear it is part of the limited business or general business allowances, rather than another residential. For defense of our definition of what is a family in residential areas, it's much better if the term doesn't follow that definition and is clearly denoted as some sort of commercial activity. You can choose whatever word you want, but it would be clearer to our citizens if we don't say, Type 1, Type 2, and Type 3. That's kind of like a jargon term, which we

could choose a more descriptive word that means something about business or commercial activities. That would be preferable but is not necessarily required with what I'm proposing.

Council Member Bunch: One of my challenges when I read this email was that you are talking about residential Short Term Rentals. Where we are having the problem to begin with, is where it is in residential areas and they're not adhering to the code because they are in a residential area. Would you apply that same acumen if it's allowed? Would you use that same phrase if it's in a downtown area where it's allowed? Would you still call that a residential Short Term Rental?

City Attorney Kit Williams: You have to look at each zoning district. The current proposal would allow Short Term Rentals of both types, as of right. They are giving away Conditional Use Permits in all residential areas and that's what has me more concerned. This other type of Short Term Rental, which has been referred to as Type 2, is a very different animal and much more likely to cause problems in residential areas. That's why we should denote it one way or the other as a business and make it part of limited business and general business, so in order to operate one in a residential area, they would have to obtain a Conditional Use Permit to allow limited business in that particular district.

Mary McGetrick: The way the ordinance is written now, if you have a Type 2 in a residential neighborhood, you have to get a Conditional Use Permit. I don't really see that as a big change. Whether residential Short Term Rentals are a Type 1 or Type 2, they're still technically both operating commercially. We have to think about that when allowing Type 1's to be completely regulated as any Long Term Rental would be regulated. They are still operating a business and there are going to be different needs for enforcement and different needs for regulation associated with that.

City Attorney Kit Williams: With your proposal tonight, where you're going to give away Conditional Use Permits to everyone, you can say they must require a Conditional Use Permit, but you are giving it to them.

Mary McGetrick: We are not necessarily giving it to them. There's a six month grace period where you can come into compliance and be exempt from that process. After the six month grace period, you're required to get a Conditional Use Permit if you're a Type 2, except in a hotel and motel district. We are giving people the opportunity to go ahead in that grace period and get into compliance, without having to go through the Conditional Use Permit process.

City Attorney Kit Williams: They are giving Conditional Use Permits for the first six months to anybody that applies, but after that, then people would have to go through the process to get a Conditional Use Permit.

Mary McGetrick: That's correct.

Council Member Turk: Mary, regarding your current proposal. Is it true if I live in my house for one day and I get the homestead exemption tax, I am a Type 1, even though I'm gone 364 days of the year and rent my house? Is that correct with the way the current definition is drafted?

Mary McGetrick: Technically, yes. I would think considering the amount of time that someone actually lives in their property is needed.

Council Member Turk: This is a gaping hole. Maybe it's not nine months, maybe it's seven months, maybe it's 10 months, but it surely needs to have some kind of time requirement to be considered a residential property. If they are gone all that time, they're more like a Type 2 with no oversight and there's lots of problems. It needs to be discussed and considered.

Mary McGetrick: Sure. That is something that's included in a lot of the research that I did. Often, it was either 180 days or six months. I saw a lot of places that was required. There's some nuance with enforcement, but if you were found to be out of compliance, then that's technically a code violation. I do think that's something to think about.

Council Member Gutierrez: On the updated rental regulations document, the last PDF that was added to the packet under the section defining bedrooms, from a safety standpoint, I want to make sure rooms without windows are not considered a bedroom. How will the inspection make sure to bring safety to the places?

Mary McGetrick: Every unit will be required to have a life safety inspection. When the life safety inspector goes out, he's going to look at ingress and egress. He's going to make sure each bedroom has a window, smoke detectors are working, and things like that to make sure the property is safe for guests. They would define how many bedrooms are in the unit and that it was safe to operate.

Jonathan Curth: Most of our definitions are wrapped up in our adopted building codes.

Council Member Gutierrez: It just goes with our adopted code. That sounds good.

The City Council received 3 public comments regarding this ordinance.

Logan Humphrey, Citizen: Kit, what is defined as a micro-hotel in your language?

City Attorney Kit Williams: With the current ordinance, a micro-hotel would be a Type 2, Short Term Rental and it would be felt to be a commercial establishment. It would be allowed under Use Unit 12 (A), which is limited business. That's allowed in many districts as of right, but in residential districts, it's only allowed with a Conditional Use to have limited business allowed. It would basically be a Short Term Rental. The only difference what the staff has proposed is that within single family residential areas, there is a limited size on the buildings in limited business, which is 3,000 square feet. In other locations for general business, it would be 8,000 square feet. Those would be the only additional limits my proposal would place on it.

Max McAllister, Citizen: Within that three hours, is there some sort of equivalent to that for Long Term Rentals? How are Long Term Rental issues taken care of?

Jonathan Curth: The city recently adopted the Landlord Registry to address some of these concerns. That was intended to afford renters, in particular, the opportunity to be able to contact

landlords, as well as emergency services. Tenant rights are very limited, and that was meant to help protect tenants in that regard.

Max McAllister: This is neighbor complaint. Things can happen, Short or Long Term. How is that addressed? Is there a method that they take care of it for Long Term Rentals?

Jonathan Curth: It is a very similar process. We contact the property owner or the owner of record with Washington County when it's a Long Term Rental. It is basically complaints based. Staff investigates it. If there is a violation, we issue a letter that requires the property owner to respond within a certain time period. If they respond, we work with them to address the issue, whether it's parking in the yard, trash under a carport or whatever it may be. If they don't respond, it's possible they can be forwarded to the Prosecuting Attorney for them to enforce that ordinance. One big distinction between Short Term Rentals and Long Term Rentals is that STR is difficult to ascertain they are Short Term Rentals outside existing code. That's part of where the requirement for business licensing or Conditional Use Permit approval comes in to establish, they are operating as a Short Term Rental.

Council Member Petty stated a lot of work has gone into this and it seems there's something else that needs to be added to it. He stated he read the ordinance and memo from City Attorney Kit Williams. He stated he feels compelled to proceed with the ordinance version that has been developed by Planning staff because it's a bit more comprehensive. He stated there's some concern around the occupancy and is eager to take that up as a separate discussion and not to make this ordinance about occupancy limits. He stated if that's where we need to go now, he would suggest the best way towards consistency is to get rid of the housemate ban and to treat nuisances with the noise ordinance. He stated maybe revisions are needed for the parking ordinance for front yard parking or even the way trash is stored. He stated if we are going to talk about occupancy, we need to ask our Planning staff to research how other cities address occupancy. He stated on this ordinance, it's important to establish on the record there are some distinctions between Long Term Rentals and Short Term Rentals with respect to how occupancy might be enforced or how the nuisances associated with occupancy might be enforced. He spoke about inspection and insurance requirements. He spoke about the speed of reconciliation with requiring a three hour response time for Short Term Rental owner operators and establishing it's not defined yet. He stated he expects if there's a nuisance associated with over occupancy relative to Short Term Rental, it can be resolved a lot more quickly than what we might see with a Long Term Rental when we have some problem tenants. He stated there are clear differences all across the board, in terms of the regulation, how we are enforcing things and what we are requiring people to do. He stated he hopes there is consensus to proceed with the version the staff has developed. He stated it's fair to maybe define Type 1 Rentals with an occupancy requirement for the owner. He stated he's hesitant to do that based on their feelings and hopes to see what role model cities have done as a benchmark.

Council Member Bunch stated we are getting close on the issue and a lot of effort has been put into the ordinance. She spoke about not delaying this anymore and getting something on the books as quickly as possible to divert some big problems other cities have experienced.

Council Member Turk stated Kit's proposal is worth consideration. She stated she wants a clear distinction that a Type 2 is a business operation and is defined as a limited business. She stated she

is going to fight to the end about the occupancy limits because they've been very effective. She stated she doesn't want to pass any regulation that may possibly put those in jeopardy. She stated her neighborhood was greatly affected, even though she didn't live here at the time, but heard a lot of stories about the parking issues and the overall occupancy. She stated it has been successfully handled with the three unrelated occupants. She stated a very clear distinction between a Type 2 and what we have are Long Term Rentals is clearly needed. She spoke about not rushing through this ordinance.

Council Member Kinion stated he would not want to see us remove the occupancy restrictions we have right now. He stated anyone that was around for all of that discussion, knows before it was imposed compared to now, there has been a vast improvement. He stated this is especially true in the Markham Hill neighborhood area and in Wilson Park. He stated in other subdivisions, there was so much trouble with over occupancy and parking. He stated now at least we have a tool to go and investigate and to be sure the integrity of our heritage neighborhoods, as well as subdivisions, is protected as a neighborhood. He stated he doesn't want to see us change what we have in place regarding occupancy. He spoke about parking concerns. He stated what we got from Kit today has an important point of view that has to be considered. He stated the current proposal is complicated because the definitions are in conflict. He commended everyone who worked on the ordinance because it is not easy, but it is not near perfect. He stated he hopes to hear from people in neighborhoods that have an impact by Short Term Rentals. He spoke about Short Term Rentals being a valuable tool in a city.

Mayor Jordan: I assume we are going to table this for a certain period of time.

Susan Norton, Chief of Staff: I think Mary needs clearer direction about what she actually needs to be working on between now and the next time. We have two versions of an ordinance.

Mary McGetrick: We don't necessarily have two versions of an ordinance. We have an ordinance and a memo with guiding language. I definitely need some direction as to what your expectations would be from staff, if it is tabled.

Council Member Petty stated he would like to table the ordinance to the April 20, 2021 City Council meeting and direct staff to amend the ordinance with an owner occupancy requirement limited in time for Type 1 rentals.

Council Member Turk: I'd like to amend the proposed motion, to add a couple more items. Would that be okay?

Council Member Petty: It's okay for you to put forward some ideas, but I'd like to hear them first before we might need to call a vote on your amendment.

Council Member Turk: Absolutely. I would like to suggest exploration of a business type, such as the limited business. I would like to try and find a more well defined distinction between the Type 2 Short Term Rental and these micro-hotels. I would like us to look at the Type 3 that's within 600 feet of the primary residence of the owner. I believe that is more analogous to a Type

1 because they're right there on the scene and they have control over everything. They're not an out of town owner, like a Type 2 is.

Council Member Petty: We did discuss both of those at the Ordinance Review Committee meeting. It's my view the ordinance drafted by Planning staff already treats Type 2 Short Term Rentals much like an income producing business. That in so many ways are the fundamental differences between Type 1 and Type 2. The ordinance we have already has a clear distinction from properties that are operating as an income. In my philosophy of how this should be regulated is also relevant to the suggestion about Type 3's that's made tonight and at prior meetings. Those are still income producing properties and that's the intention. There aren't very many of them, but they should be regulated as Type 2's.

Council Member Turk: We can finish with your motion and then I'll make another one.

There was a brief discussion about parliamentary procedure and tabling the ordinance.

Council Member Bunch: We are either voting on all of these things together that have been mentioned or we are not in agreement of any of them, correct?

Council Member Petty: The motion before us is to table and ask staff for an amendment pursuant to an owner occupancy requirement for Type 1.

City Attorney Kit Williams: The motion that Council Member Turk made has not been seconded yet. Unless someone seconds her motion, it dies for a lack of a second.

Council Member Turk reiterated her proposed amendment.

Mayor Jordan: You want a Type 3. You want us to investigate the difference between a Type 1 and Type 2. Is that correct?

Council Member Turk That's correct. With the goal being that Type 2 is clearly a business and maybe potentially zoned differently.

Mayor Jordan: Mary, if this does pass, is that doable for you?

Mary McGetrick: I would say two weeks to investigate a clearer distinction between the Type 1 and Type 2 is a little general. It would take some additional research and crafting. The Type 3 and the owner occupancy are easily doable. It may take more time to get right, especially with pure city research. To provide clear distinction and language shown to be effective in other places may take some time.

Mayor Jordan: How much time? I want to make sure this is all doable within a certain timeframe with everybody working all hours into the night and day to make this work.

Mary McGetrick: If we are tabling date specific, instead of tabling to the next meeting, maybe table to the meeting after that.

Mayor Jordan: You need a month?

Mary McGetrick: Yes, sir.

Council Member Petty: I would suggest, if the new motion passes, the timing should be four weeks, but if it doesn't, it can remain two weeks as Mary advised us.

Council Member Kinion: I would endorse that too.

Council Member Turk moved to amend the ordinance to consider a third type of Short Term Rental as a Type 3 and to explore ways to further define a distinction between the Type 2 and Type 1 and with identifying the Type 2 more distinctly as a business. Council Member Kinion seconded the motion. Upon roll call the motion failed 4-4. Council Members Turk, Gutierrez, Jones, and Kinion voting yes. Council Members Scroggin, Bunch, Hertzberg, and Petty voting no.

Council Member Petty moved to table the ordinance to the April 20, 2021 City Council meeting and direct staff to amend the ordinance with an owner occupancy requirement limited in time for Type 1 rentals. Council Member Scroggin seconded the motion. Upon roll call the motion passed 5-3. Council Members Scroggin, Bunch, Hertzberg, Gutierrez, and Petty voting yes. Council Members Turk, Jones, and Kinion voting no.

This ordinance was tabled to the April 20, 2021 City Council meeting.

RZN 2020-028 (East of W. Michael Cole Dr. & W. Wedington Dr./Kidder): An ordinance to rezone that property described in rezoning petition RZN 20-028 located east of West Michael Cole Drive and south of West Wedington Drive for approximately 5.00 acres from R-A, Residential Agricultural to RMF-18, Residential Multi Family, 18 units per acre. *At the March 2, 2021 City Council meeting this Ordinance was left on the First Reading. At the March 16, 2021 this Ordinance was left on the Second Reading.*

City Attorney Kit Williams: The applicant has requested to change the zoning and has provided new Exhibits. I have an ordinance that would in fact do what the applicant suggest and has requested. We sent that out to the City Council. It's basically doing what the Planning Department has suggested. It would make sense to amend the ordinance before we go to the third and final reading. Jonathan, is this the kind of rezoning the Panning Department is now recommending approval of?

Jonathan Curth, Development Services Director: That is correct. Staff's recommendation is to approve the revised request.

City Attorney Kit Williams: It's up to the Council about whether you want to rezone it to what the applicant has requested, and the staff has recommended approval of. The request has been changed to Residential Intermediate Urban for most of it, and then a smaller section for Neighborhood Services Limited.

Jonathan Curth, Development Services Director gave a brief description of the ordinance. He stated the previous request was to rezone the entirety of the property from Residential Agricultural zoning to Residential Multifamily 18 units per acre. He stated staff recommended denial of the request and the Planning Commission agreed with a vote of 7-1. He spoke about the amount of public comment in opposition to the request. He stated the applicant opted to appeal the request to Council and the request is now to rezone from RA to Neighborhood Services Limited and Residential Intermediate Urban. He stated staff feels the revised request addresses some concerns. He stated staff did not receive public comment on this request, but it is a fairly new request comparatively to what went to the Planning Commission. He stated there was a petition received by staff in opposition to development on this property. He stated staff recommends approval. He stated there was not a Planning Commission recommendation on this particular request and it's the Council's discretion, but given the recent submittal, it would be reasonable to table or continue the item to afford the public there has been a change made.

Justin Jorgensen, Applicant stated he has been working with staff and has decided to change the request as Mr. Curth described.

Council Member Petty moved to amend the ordinance to the application before Council to the applicant's new requests and staff's recommendation. Council Member Scroggin seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Council Member Scroggin: Now that we changed it, it's not really an appeal anymore. It's a new request. We just circumvented the Planning Commission.

City Attorney Kit Williams: It's up to the City Council to make a final decision one way or the other. You have the right to approve it. You have the right to send it back to the Planning Commission. You have a right to deny it. You can also table it and see if there's going to be any further comments.

Council Member Scroggin: This is just like it came to us, so the appeal doesn't take more votes to approve than would have prior?

City Attorney Kit Williams: That's correct. It always takes five votes to approve, either a recommended ordinance or an ordinance that has been appealed from the Planning Commission.

Council Member Scroggin: What are they planning on doing there?

Justin Jorgensen: They're looking at doing some townhomes right now, but of course this is a rezoning and that's all there is to it. They even had a little bit of a presentation they thought about giving tonight but given the fact that's one use under this umbrella on the rezoning, we didn't feel like it was ideal.

City Attorney Kit Williams: I agree with the applicant. It's the use units the City Council should be looking at and not any kind of proposed project. This is just a rezoning.

Council Member Kinion: Too many times, people have brought elevations and ideas here. We have rezoned it and they didn't come to fruition. Then the rezoning is still with the property. I always try to look at the worst case scenario under the possibilities.

Council Member Scroggin: I think the Planning Commission got this right in the first place. This is too much, too far out.

Council Member Gutierrez: At the Planning Commission, Commissioner Brown was in favor of the item, brought forth consideration for the proximity to a tier three center and supported the recommendation for RIU and NSL, rather than the RMF-18. There was some support for this direction, but they weren't really considering that at the time. It just was a recommendation. It's a big jump for us to try to have that discussion, without getting the Planning Commission to look at it. I feel so much better when they look at it, but I'm open to what everyone is thinking.

Council Member Turk: We've done this a few times before, where we've had a change in the rezoning at the very end. I do feel we've circumvented the Planning Commission. I suggest we send it back to them because this is new. They didn't get to see this the first time around to get their insight and recommendation.

Council Member Hertzberg: I would be in favor of that as well.

Council Member Petty: I see where the consensus is. I'd like to amend the motion that's on the floor. In addition to amending to the new requested zoning designations, I'd want to send this back to the Planning Commission immediately.

City Attorney Kit Williams: The amendment was passed, but you can make a motion to send the amended ordinance back to the Planning Commission.

Council Member Petty moved to send the amended ordinance back to the Planning Commission. Council Member Scroggin seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was referred back to the Planning Commission.

RZN-2020-024 (916 N. Sang Ave./Glorious Assets, Inc.): An ordinance to rezone that property described in rezoning petition RZN 20-024 located at 916 North Sang Avenue for approximately 0.70 acres from RSF-4, Residential Single Family, 4 units per acre to RSF-7, Residential Single Family, 7 units per acre, subject to a Bill of Assurance. *At the March 16, 2021 City Council meeting this ordinance was left on the First Reading.*

Council Member Gutierrez moved to suspend the rules and go to the second reading. Council Member Turk seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Jonathan Curth, Development Services Director gave a brief description of the ordinance. He stated one of the most repeated concerns from neighbors is whether this would set a precedent if this property were to be rezoned and eventually deteriorate the character of the area. He spoke about citizen concern of tree removal, drainage issues, and building height. He stated a former Council Member inquired why this request was not going to the Board of Adjustment, as opposed to the rezoning action, which is being requested. He stated his response to this is that the Board of Adjustment represents one of the higher bars for having an approval granted. He stated their purview is to uphold the integrity of the city zoning code and to grant variances of that zoning code. He stated one of their most primary findings is that any variances granted, will keep with the spirit and intent of the code and the variance requested is the result of a hardship that's unique to the property and prevents its use.

Brock Posey, Applicant: The primary idea behind rezoning this property into RSF-7 is to have three homes with front entrances facing Sang with a driveway off of Ora. I was there while the City Council members took a tour. I spoke with all the neighbors and gave them full disclosure of everything that I know to this point, which is three, two-story homes. One of them requested we do not do three-story. The investor has no intention of doing three-story. They asked if we would be willing to do anything to assure that. I said absolutely, if that's something that's holding this back. The idea behind facing all the homes towards Sang is being able to use that zero to 25 foot build to zone and have one single driveway across the back. We will get to preserve the massive pin oak trees that are up front. The maple and pine tree would lay out on the lot and bring a good picture to Sang Avenue.

Council Member Turk: That area floods often. It has had long term drainage issues that have not been solved. For full disclosure, I have a rental house that's about six houses east on Ora from this proposed rezoning. Mr. Posey, how can we resolve those drainage issues, if you're able to build the structures you would like?

Brock Posey: There is a single family home there, right now, which is roughly taking up about 2,500 to 2,800 square foot of roof space. We would barely be going over that with two story homes that would go over it. We're not going to mess with the existing ditch. One of the neighbors complained about a ditch that was covered up to the west of the property on Ora. We have no intention of that. We are happy to manage that ditch and make it improved, as we go along. We'd rather not necessarily add to it. I don't feel like we're burdening anything that's extra there, but we are happy to do whatever we can within our power and reasonable cost to help that area.

Council Member Turk: Jonathan, this is RSF-7, are they required to do any kind of drainage improvement or mitigation?

Jonathan Curth: If the project was done by administrative lot split and they were single family homes, no, they would not. It's just outside the Hilltop Hillside Overlay District to the east, which would normally be the only situation under which most single family homes would be subject to our drainage manual or grading standards. For a point of clarification, Mr. Posey did note that RSF-7 zoning district has a build to zone. I believe he misspoke. It is a 15 foot set back from the street.

Brock Posey: Sorry about that Mr. Curth. I did misspeak, but the whole point was to make sure we're saving the trees along Sang and keeping that the present view for the homes.

The City Council received one public comment regarding this ordinance.

Council Member Scroggin: How many curb cuts will be allowed on Sang?

Jonathan Curth: As the Bill of Assurance is written, it does not specify the curb cut locations. Under our access management standards, given Sang Avenue's classification at this location, the curb cuts would have to be shared between single family homes. If a lot was on the corner, that lot would have to access Ora.

Council Member Scroggin: If they were to build three, it would be hard to go on Sang. Is that what you are saying?

Jonathan Curth: If taking the theoretical layout, the applicant has described, three lots facing Sang with three homes, the two southern lots would have to have a shared curb cut and the northern one would have to be accessed by Ora. If the Council wanted it restricted further, that would have to be offered by the applicant as a part of their Bill of Assurance.

Council Member Turk stated she is very familiar with the neighborhood because of having a rental house. She stated the neighborhood is stable and friendly. She stated the intersection at Sang and Ora and also at Sang and Berry is a high pedestrian intersection. She spoke about the quality of the neighborhood. She stated she appreciates them wanting to keep the trees, but there's no Bill of Assurance to require that. She spoke about drainage issue concerns.

Council Member Scroggin: How many houses could be built by right?

Jonathan Curth: Through an administrative lot split on the property, three homes and potentially accessory dwelling units associated with those homes could be built today. As the Bill of Assurance proposes, only three homes would be allowed on the property.

Council Member Scroggin: It would eliminate the ADU's?

Jonathan Curth: Yes, as the Bill of Assurance is written.

Council Member Scroggin: Is there any drainage difference or stormwater requirements different under these two?

Jonathan Curth: No, not for how I understand that the developer wants to use the land.

Council Member Scroggin: Fayetteville is historically known for being difficult to deal with. We're talking about having three homes versus having three homes. We're talking about having the same drainage under both cases. The developer could possibly not tear down some trees at the front, if he gets this. I am for this. When developers come to us to ask for small changes, a lot of times it's because they actually want to do better. We keep making it difficult. It would be one

thing if we're changing use units, but we're not. We are going from single family detached to single family detached. We are not increasing or decreasing drainage requirements. With the Bill of Assurance, he still could cut down the trees. He could cut down those trees tomorrow, no matter what. That would be a bad business decision, but he could. We need to start approving these small changes and hope developers keep asking us to make small changes when they actually want to make things better.

Council Member Gutierrez stated she appreciated the effort the developer is making. She stated Mr. Posey listened to the neighbors' concerns. She stated the neighbors don't want the trees to go and feel it's setting a rezoning precedent; which they want to send a clear message they're not interested in that for their neighborhood. She stated she likes the idea of three houses facing the front and there would be a driveway in the back. She stated she is sure there's going to be a lot of trees that will be going down because there's so many trees on the property. She stated she is in opposition of the ordinance.

Council Member Kinion: We heard a unified voice of the neighborhood of the concerns. They are a neighborhood that wants their neighborhood to be protected and preserved. I will not be supporting this.

Council Member Bunch: If this were a larger piece of property and Large Scale Development and the tree ordinance applied to it, when people talk about saving trees, are they talking about saving every single tree? Are they talking about the biggest trees and the best trees? If this was a larger project, wouldn't we be looking at it and grading out which were the best trees to save?

Jonathan Curth: Yes. There are a few considerations in our tree preservation ordinance. The priority of the ordinance is to preserve trees on site and every zoning district has a minimum amount of canopy required to be maintained. RSF-4 is 25%. When our Urban Forester looks at a development to evaluate what trees are being removed, they have more authority under our ordinance to protect highly significant trees. The priority is always on site preservation and even within that, there's certain prioritization of trees, based on their significance.

Council Member Bunch: Some of the pictures we were shown earlier showed a larger tree and then two or three little tiny saplings next to it. When a neighborhood says they want to save trees, are they talking about the more substantial trees or are they talking about smaller trees? How are they looking at it in terms of how it relates to what could be done on the property now versus what could be done with the change we are being asked to look at?

Jonathan Curth: My impression from all the residents I spoke with at the tour, leadups to this meeting, and the Planning Commission meeting, was it's absolutely those large mature trees at the back of the sidewalk along Sang. They are very significant in diameter.

Council Member Bunch: We are being told he does not want to touch those trees or as little as possible and come in through Ora. Is that correct?

Jonathan Curth: Yes, that's what the applicant would like to do.

Council Member Gutierrez moved to suspend the rules and go to the third and final reading. Council Member Kinion seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance failed 3-5. Council Members Scroggin, Bunch, and Petty voting yes. Council Members Turk, Hertzberg, Gutierrez, Jones, and Kinion voting no.

This ordinance failed.

VAC 662 West Taylor Street: An ordinance to vacate a portion of public right-of-way for property located east of 662 West Taylor Street. *At the March 16, 2021 City Council meeting this ordinance was left on the First Reading.*

Council Member Hertzberg moved to suspend the rules and go to the second reading. Council Member Gutierrez seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: Jonathan, the applicant has submitted different Exhibits. I think there's a slight change in the ordinance that was necessary. Is that correct?

Jonathan Curth: Yes, Mr Williams. I believe that was submitted to your office. It was in response to concern about overlapping between utility and access easements on the site. I'd have to defer to either Council Member Hertzberg to describe it, or the applicant Blake Jorgensen.

Council Member Hertzberg: I was asked that we revise the language and the conditions to add the utility easement portion to the language in item three.

Blake Jorgensen, Applicant: I appreciate Council Member Hertzberg bringing this back to the Council. We had some discrepancies on what was needed to be dedicated ensuring all the existing utilities maintained the proper clearance for the easements. We submitted an Exhibit. We worked with the City Attorney and Engineering Department to make sure the existing sewer line had adequate easement. It needed a little more easement than normal because of the depth. This final Exhibit is an attempt to provide an access easement and to ensure we provide adequate easement for the sewer line.

City Attorney Kit Williams: The potentially amended ordinance has been provided to the City Council already. The primary change is actually in Condition 2. The City Council has seen that and there needs to be a motion to amend the ordinance to what was provided to the City Council and also the Exhibits have now been provided by the Planning Department.

There was a brief discussion about the document for the conditions.

City Attorney Kit Williams briefly read the new Condition 2, which replaces a much shorter Condition 2.

Mayor Jordan: Where's the map?

City Attorney Kit Williams stated the ordinance has been provided to the City Council and explained the Exhibit.

Mayor Jordan: Does the applicant have a map to show the Council?

Blake Jorgensen stated Assistant City Attorney Blake Pennington sent that to the City Clerk and everyone else. He requested for Jonathan Curth to pull the map up on the computer screen for everyone to view.

Council Member Turk: On the map, please show us the differences between what you proposed before and what your new Exhibit C is.

Blake Jorgensen: There is a 15 foot dimension, which indicates the existing sewer line underground. We are going to dedicate 15 feet, each side. As you go north, you'll see that 30 foot utility easement. That's the easement that is going to be dedicated. Just north of that is the 20 foot access easement, which will run parallel to the existing right of way. North of that is the existing right of way to the east and is the portion we would be vacating. Everything else in this sandwich of layers is what we're dedicating.

City Attorney Kit Williams: Has this been approved by our Water & Sewer Director?

Tim Nyander, Utilities Director: We are good with a 30 foot easement.

Council Member Turk: Mr. Jorgensen, can you describe the changes from the last proposal you had?

Blake Jorgensen: Prior to the last City Council meeting, the only thing we were proposing was to dedicate that access easement. The reason for that was there's an existing 50 foot overhead electric easement. We felt that encompassed the majority of the utilities, but in further looking into the survey, we needed to dedicate a little bit more easement on that sewer line. You'll find that in the southwest corner. Typically, we only dedicate 10 foot of easement, each side of a sewer main, but because the depth of that south manhole is more than 10 feet, the Water & Utilities Department requested 15 feet and we made the adjustment.

Jonathan Curth displayed a map for everyone to view, as described by Mr. Jorgensen.

Council Member Gutierrez: The shaded area was what originally was being vacated or requested?

Blake Jorgensen: That's still the portion of right of way we are requesting to vacate. The difference now is that while we're going to vacate all that hatched portion, we are proposing to dedicate an access easement and utility easement, as per Exhibit C.

Council Member Gutierrez: The amount you would want to have access too, is shrunken by about 75%?

Blake Jorgensen: It went from 40 feet, down to 20. We chose 20 because that's a minimum fire access. It's also strategically warranted on the west side of the existing right of way. If either a road or pedestrian connection is made to the north, it needs to eventually curl west because to the east the further you get into the floodway, floodplain and the undeveloped portion of that right of way. Looking into the future, we thought there was going to be some connection, it's going to need somehow to veer more west to get back to Cleveland.

Council Member Gutierrez: On Cleveland, you said was on the west?

Blake Jorgensen: I'm sorry. Cleveland is due north, but to get an actual connection to occur, due to the topography, floodway and the floodplain, you can't go due north. If we dedicate an access easement, we leave that potential for a connection, but we believe a connection, if it were to occur to the north, it would need to go more Northwest, as opposed to due north to Cleveland.

Council Member Hertzberg moved to amend the ordinance as described by City Attorney Kit Williams and add the Exhibits. Council Member Gutierrez seconded the motion. Upon roll call the motion passed unanimously.

Council Member Gutierrez 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 unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance failed 3-5. Council Members Hertzberg, Gutierrez, and Petty voting yes. Council Members Scroggin, Bunch, Turk, Jones, and Kinion voting no.

This ordinance failed.

New Business:

2021 City-Wide Employee Compensation: A resolution to approve a budget adjustment in the amount of \$1,905,000.00 to facilitate the city-wide 2021 Employee Compensation Adjustment.

Paul Becker, Chief Financial Officer gave a brief description of the resolution. He spoke about the cost of the plan. He stated if sales tax collections equal 2.7% over last year for the remainder of the 10 months, revenues will equal expenditures for this year and that's if all other revenues stay

in accordance with estimates. He stated sales tax collections have been 4.7% between 2015 and 2019. He stated he picked that period because he didn't want to include 2020, which had a significant increase. He stated the General Fund closed out last year with a surplus because of expenditure control and a few dollars that we had left for reimbursements for the Coronavirus stimulus package. He stated under normal conditions, we normally don't spend all of our budget, but he can't predict that with any significant accuracy at this point in time. He stated the Mayor is pleased to bring this forward and it's a high priority with Council Members.

Council Member Scroggin: I'm glad to see this. It's definitely been needed.

Council Member Scroggin moved to approve the resolution. Council Member Jones seconded the motion. Upon roll call the resolution passed unanimously.

Mayor Jordan: Thank you all very much.

Resolution 118-21 as recorded in the office of the City Clerk

HFI Fletcher, LLC: An ordinance to waive formal competitive bidding and approve a cost share agreement with HFI Fletcher, LLC for the extension of a sewer line on Fletcher Avenue with a refund in an amount not to exceed \$13,461.00 to be paid by the City of Fayetteville, and to approve a project contingency in the amount of \$2,500.00.

City Attorney Kit Williams read the ordinance.

Tim Nyander, Utilities Director gave a brief description of the ordinance. He stated this item was presented at the Water, Sewer & Solid Waste Committee with a vote of 2 to 1 to forward it to the City Council for consideration for approval. He stated Council Member Turk requested him to discuss some of the breakdown of the labor of city forces. He spoke about the requirements that have to be met to do an in-house project. He spoke about the cost breakdown of the project. He stated the decision to do the work in-house is a savings to the city of roughly \$30,000.

Council Member Turk: By the city doing the work, what is the savings to the developer, as opposed to putting that out to bid for a third party to do the work?

Tim Nyander: The savings for the developer in this project is, \$12,226.

Council Member Turk: I'm generally supportive of these cost share arrangements, but we're giving the developer \$12,000 of expenses he doesn't have to pay. This project was highly opposed by the neighborhood. That is why I casted the dissenting vote in the Water & Sewer Committee meeting.

Council Member Petty: What was the results of the discussion in the Water & Sewer Committee?

Council Member Kinion: We supported it in the long run, but it was a concern. On the other hand, we need to get infrastructure in while we can.

Council Member Turk: The city is paying for a great deal of this with their labor, time and equipment. The developer should make up the cost and pay the city the \$12,000 difference. If we do this, then the next time we do a cost share agreement and for the reasons Tim stated, some other business is going to say they are not getting equal treatment. We've got a bit of precedent setting, in giving an unfair advantage.

Council Member Kinion: They've paid a lot of fees to build there. How much would they have paid in fees to develop that property?

Tim Nyander stated he would have to defer to Jonathan on the fees they paid for development.

Council Member Kinion: That's something I figured in whenever thinking about it. The impact fees are there to help. I just don't know what they are in that property.

Council Member Turk: How do you respond to the next applicant that wants to do a cost share and their share is much higher than in this situation. The neighborhood strongly opposed this development.

Council Member Kinion: I understand your point of view. I was trying to bring what had been talked about. We do have to be fair.

Council Member Scroggin: The cost share is for a different size line. Correct?

Council Member Kinion: Yes.

Council Member Scroggin: This is something that we need done. Some of the \$12,000 is because they're getting a different size line.

Tim Nyander: If the city wasn't doing this work and we'd done the cost share with the contractor, then instead of a \$29,980 price tag, you would have been \$71,000. By doing the cost share, the city is saving \$29,375 with the developer who would have had a \$28,000 on the contractor's token, is only paying the \$16,000. That's where they are saving the \$12,000.

Council Member Scroggin: If it's better for the city, I don't really care if somebody else makes more money or less money. We should make decisions that are best for the city. I believe this is what's best for the city to get the other line in there. I will be voting for this.

Council Member Bunch: Does this line connect to any other houses? If this is ever developed at all, does this line benefit any of the neighbors or is it only a benefit to these three houses?

Tim Nyander: The line goes all the way up to almost to Dickson Street, but it doesn't connect to the sewer up there. The 245 feet is benefiting the development. The 174 feet is additional line and I don't know if there's any development going to happen in the future, but that line is available. There was no sewer line there to start with.

Council Member Bunch: If we support this, we will have a sewer line there if somebody were wanting to tie on to it at some point. Would they have the ability to do that?

Tim Nyander: Yes. There is 420 feet of sewer line.

Mayor Jordan: Tim, have we done these cost shares before?

Tim Nyander: Yes. We've done them whenever the criteria are met, and we have the time to do it. We have done several of these.

Council Member Kinion: In this area we have such aging infrastructure. When we have the opportunity to get in there, it has to be taken seriously. In this area, I believe we've done cost shares because of that.

Mayor Jordan: That's what I remember.

Council Member Turk: The issue is not the cost share. It's subsidizing the developer, when we don't subsidize other developers. It's good to add more sewer where we have the opportunity and upgrade old lines, which I'm in support of that. The city is doing the work and we are subsidizing the contractor on this project.

The City Council received 2 public comments regarding this ordinance.

Tim Nyander: When we line up these cost shares to do city forces, we always look to see if it's going to save the rate payers money. If we had the contractor do it and paid the cost share just as we're doing right now, our share would have been \$42,000, rather than \$13,000.

Council Member Petty moved to suspend the rules and go to the second reading. Council Member Gutierrez seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Council Member Gutierrez moved to suspend the rules and go to the third and final reading. Council Member Petty seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-1. Council Members Scroggin, Bunch, Hertzberg, Gutierrez, Jones, Kinion, and Petty voting yes. Council Member Turk voting no.

Ordinance 6423 as Recorded in the office of the City Clerk

RZN-2021-031 (N.W. of Razorback Rd. & Sligo St./Meadow Vale Development, Inc.): An ordinance to rezone that property described in rezoning petition RZN 21-031 located Northwest

of Razorback Road and Sligo Street for approximately 1.00 acre from NS-L, Neighborhood Services-Limited to RMF-24, Residential Multi Family, 24 units per acre.

City Attorney Kit Williams read the ordinance.

Jonathan Curth, Development Services Director gave a brief description of the ordinance. He stated when looking at the request from a long range plan perspective, staff found it to be generally compatible. He stated the location and its access to many amenities represents what staff considers to be appropriate infill and can support a complete neighborhood through additional housing. He stated it scored a 10 on the metric, including for Fire response, water and sewer, access to park and trail, transit and the future land use designation. He stated it's in close proximity to one of the growth concepts maps, Tier 2 centers. He stated staff recommends the approval, as requested. He stated while the Planning Commission did support the increase density of RMF-24, they unanimously forwarded the request recommending Community Services, in place of RMF-24. He spoke about Fayette Junction. He stated the applicant did not agree to amend the request to CS. He stated there is existing RMF-24 zoning near this property they're also interested in developing and they had concerns about being able to do a consistent development with having varying zoning districts across their properties.

Council Member Gutierrez moved to suspend the rules and go to the second reading. Council Member Hertzberg seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Council Member Gutierrez 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 unanimously.

City Attorney Kit Williams read the ordinance.

Council Member Turk spoke about being surprised that Council wasn't discussing what the Planning Commission recommended. She spoke about Fayette Junction. She stated it seems we are always wanting to be able to have mixed use, and if we go along with the RMF-24, that's not going to happen.

Mayor Jordan: In Fayette Junction, was the zoning over there CS?

Jonathan Curth: This property was rezoned to NSL, its current rezoning, as a part of that area wide rezoning with Fayette Junction. Previously it was RMF-24 and with Fayette Junction it was rezoned to NSL. Some property to the south, which we will be discussing in a couple items, was rezoned to CS.

Council Member Gutierrez: It is still near some services. On the corner, there's a large area that has restaurants and services. There are quite a few empty storefronts right now, probably because of the pandemic. It's not too far away. You can get on the sidewalk. There is potential for some more services.

Council Member Scroggin: Is there any difference on stormwater requirements between CS and RMF-24?

Jonathan Curth: No. Our stormwater requirements are based on the development, not the zoning. It is the applicant's intent to develop this property as a whole, which would subject them to our tree preservation and stormwater standards.

Council Member Scroggin: I'd like to amend this to CS as the Planning Commission recommended.

Zach Hixson, Applicant Representative stated he is asking for RMF, as opposed to CS. He stated the applicant owns an out-parcel that is RMF-24 already. He stated we would like to keep all of the property as RMF-24 to have a consistent zone.

Council Member Petty: Like against like, isn't a very compelling reason not to get this parcel zoned something different. It affords you all of the same and more flexibility than RMF-24 does. Is there a technical reason Community Services wouldn't work for you, or is it simply a desire to have the same designation?

Zach Hixson: Based on a past experience, CS has a different build to zone and setback zone from RMF-24. While we don't have development plans prepared for this property yet, having the frontage on South Razorback Road and having two different zones that could have potential different setbacks and build to requirements, could cause some hindrances for the required frontage build along Razorback.

Jonathan Curth: The RMF-24 zoning district has a zero to 25 foot build to zone. Theoretically a building could be built immediately up against the right of way or the front property line, whereas the CS zoning district has a 10 foot set back before buildings can be placed there. That's kind of offset with RMF-24's building height allowance, which you can build your buildings right up to the street on RMF-24, it requires a stair step height requirement. We have to scoot portions of your building back as it increases in height. The CS zoning district allows a building height maximum of five stories, but it starts 10 feet back from the front property line.

Mayor Jordan: What's the zoning of the apartment complex just up from there on 15th Street?

Jonathan Curth: I believe that one on the left hand side if you are going north, is Urban Thoroughfare. On the east side of the road is under construction as a mixture of Urban Thoroughfare and RMF-24.

Council Member Scroggin: The Planning Commission voted 7 to 0 to recommend CS. Is that correct?

Jonathan Curth: That is correct.

Council Member Scroggin moved to amend the ordinance to CS as recommended by the Planning Commission. Council Member Petty seconded the motion. Upon roll call the motion

passed 5-3. Council Members Scroggin, Bunch, Turk, Kinion, and Petty voting yes. Council Members Hertzberg, Gutierrez, and Jones voting no.

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

Ordinance 6424 as Recorded in the office of the City Clerk

RZN-2021-033 (797 S. Cherry Ln./A&B Enterprises, Inc.): An ordinance to rezone that property described in rezoning petition RZN 21-033 located at 797 West Cherry Lane for approximately 1.02 acres from RSF-4, Residential Single family, 4 units per acre to RI-U, Residential Intermediate-Urban.

City Attorney Kit Williams read the ordinance.

Jonathan Curth, Development Services Director gave a brief description of the ordinance. He stated there are some fairly varied zoning and land uses in the area. He stated staff found the proposal to be consistent with the long range plans and complimentary of City Plan 2040 goals. He spoke about the transportation routes and school in the area. He spoke about limited access to services but it's in the process to becoming a complete neighborhood. He spoke about concerns of the condition and narrowness of Cherry Street. He stated staff is in favor of the request and the Planning Commission agreed with a unanimous vote to forward it to Council for approval. He spoke about some citizens that are in opposition.

Greg Brockman stated he is representing the owners of A&B Enterprises, who are Russell Brockman and Michael Andrews. He stated he was available for questions.

Council Member Turk stated Cherry Street is very narrow. She spoke about wanting Council to take a tour of the property. She spoke about access and density.

This ordinance was left on the First Reading.

VAC-2021-015 (215 S. Vale Ave./Rock Creek Holdings): An ordinance to approve VAC 21-015 for property located at 2015 South Vale Avenue to vacate a portion of public right-of-way between South Razorback Road and South Vale Avenue, as well as a portion of a 10-foot wide alley right-of-way.

City Attorney Kit Williams read the ordinance.

Jonathan Curth, Development Services Director gave a brief description of the ordinance. He stated all the franchise utilities have agreed to this request. He spoke about the city's long range planning goals. He stated this is a big piece of the Fayette Junction plan. He stated staff looked at the request, in terms of block length standards. He stated as the right of way currently exists, if this portion of right of way were developed, it would create a street grid that meets our minimum desire

in the city of having block lengths of less than 660 linear feet or an eighth of a mile. He stated if it were vacated, it would compromise that and create a block length from well to the north, all the way down to Cato Springs that exceeds that 660 feet. He stated staff recommends denial of the request. He stated the Planning Commission saw an opportunity to work with the applicant and the developer agreed to the Commission's proposal that a minimum 20 feet of right of way be dedicated along the southern portion of this site as a multi-use trail.

Kael Bowling, Attorney stated he is representing Rock Creek Holdings. He stated this request started as a request for a right of way vacation, but it's now probably better characterized as a right of way transformation and relocation. He showed a concept drawing of the site. He spoke about a 200 unit multifamily complex. He spoke about a 20 foot multi-use trail right of way. He spoke about having four connectors and that the additional connector street connector doesn't add much value of connectivity, but the multi-use trail right of way would, in terms of pedestrian and bicycle traffic. He stated the Planning Commission made that recommendation and we loved it.

Mayor Jordan: What was the staff's position on this?

Jonathan Curth: Staff is still not in support of the request. This goes a long way to maintaining some degree of connectivity between Razorback and Vale. There is the appearance of a lot of connectivity between Vale and Razorback, but Netherland and Junction are private streets. There is a railroad there.

Mayor Jordan: You are losing connectivity?

Jonathan Curth: Correct.

Council Member Hertzberg: Staff doesn't support the request, even with the conditions listed?

Jonathan Curth: Correct.

Council Member Gutierrez moved to suspend the rules and go to the second reading. The motion died due to a lack of a second.

This ordinance was left on the First Reading.

Amend §72.03 and §164.17: An ordinance to amend §72.03 **Parking Prohibited in Certain Places** and §164.17 **Visibility at Intersections in Residential/Nonresidential Districts** the City Code to allow greater flexibility and discretion for on-street parking spaces near crosswalks and traffic signals at intersections.

City Attorney Kit Williams stated staff would like to table the ordinance.

Justin Clay, Parking Manger gave a brief description of the ordinance. He stated there's a State statute that this code amendment would conflict with, if we were to make it. He requested the

ordinance to be tabled indefinitely, in order to reevaluate and determine if they can pursue this in the future.

Council Member Scroggin moved to table the ordinance indefinitely. Council Member Gutierrez seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was tabled indefinitely.

Amend Subsection (A) Fee Increases in §50.40 Rates for Services: An ordinance to amend subsection (A) *Fee Increases* in §50.40 **Rates for Services** of the Fayetteville City Code to adjust recycling and trash user fees based on the water, sewer, trash collection sub-index of the consumer price index.

City Attorney Kit Williams read the ordinance.

Peter Nierengarten, Environmental Director gave a brief description of the ordinance.

Council Member Turk moved to suspend the rules and go to the second reading. Council Member Gutierrez seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Council Member Turk moved to suspend the rules and go to the third and final reading. Council Member Gutierrez seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

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

Ordinance 6425 as Recorded in the office of the City Clerk

Amend §166.04(B)(2)(a) Dedication of Right-of-Way of the Unified Development Code: An ordinance to amend §166.04(B)(2)(a) *Dedication of Right-of-Way* of the *Unified Development Code* by adding the power of the City Council to grant a lesser dedication of the Master Street Plan right-of-way requirement for a lot split.

City Attorney Kit Williams read the ordinance.

Council Member Gutierrez gave a brief description of the ordinance.

Jonathan Curth, Development Services Director stated anytime an applicant sub-divides property, our current ordinances required right of way dedication, under the current Master Street

Plan. He stated in the intervening time, City Plan 2040 was adopted with its Master Street Plan. He stated this is the pressure relief valve our ordinance has to allow applicants to pursue a lesser dedication right of way, where necessary.

Zara Niederman, Applicant gave a brief history of his project and timeline.

Council Member Gutierrez moved to suspend the rules and go to the second reading. Council Member Hertzberg seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Council Member Gutierrez moved to suspend the rules and go to the third and final reading. Council Member Kinion seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

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

Ordinance 6426 as Recorded in the office of the City Clerk

Announcements:

Susan Norton, Chief of Staff stated the month of April is the Spring Bulky Waste Cleanup. She briefly gave the dates and locations. She stated this is the second Saturday in a row we will have the household hazardous waste trailer, which was popular last time. She spoke about paper shredding dates and times. Information can be viewed on the city website.

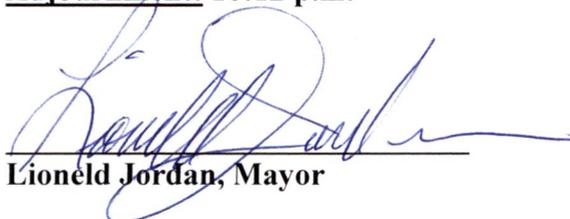
City Council Agenda Session Presentations:

City Council Agenda Session - Parks and Recreation Advisory Board Annual Report - Chairman Will Dockery.

City Council Agenda Session Presentation - Sales Tax Report by Paul Becker, Energy Report by Peter Nierengarten.

Agenda Session Presentation - 2021 Fire and Police Pay and Benefits Study by Johanson Group.

Adjournment: 10:12 p.m.


Lioneld Jordan, Mayor


Kara Paxton, City Clerk Treasurer

