

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
May 4, 2021**

A meeting of the Fayetteville City Council was held on May 4, 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, Council Members D'Andre Jones, Mark Kinion, Matthew Petty, Sarah Bunch, and Teresa Turk joined the meeting via online using a video conferencing service called Zoom.

Mayor Lioneld Jordan, Council Member Sonia Gutierrez, Council Member Sloan Scroggin, Council Member Holly Hertzberg, City Attorney Kit Williams, City Clerk Treasurer Kara Paxton, Chief of Staff Susan Norton, Chief Financial Officer Paul Becker, Chief of Police Mike Reynolds, Fire Chief Brad Hardin, staff members from the IT Department, and members of the press were present in City Council Chambers while demonstrating recommended social distancing.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Mayor Jordan: We have Council Members, city staff, and the public participating in this meeting, virtually and in-person. Participation remains of the utmost importance to the City of Fayetteville. We have provided many ways to participate in the meeting, which includes joining in-person at City Hall, joining virtually through Zoom, viewing through Fayetteville's government channel online or the city's YouTube channel. If you are joining through Zoom, you must raise your virtual hand to request to speak during the public comment period. You can do this by clicking the raised hand option in Zoom online or by pressing *9 on your phone. When it's 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. If you're attending the meeting in-person, you must sign up to speak by completing a public comment form. Forms can be found on the table outside of Chambers. I will take public comments from virtual attendees first, in order to give in-person attendees enough time to line up to speak. Public comments will be allowed for all members of the audience who have signed up prior to the beginning of the agenda item they may wish to address being open 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:

Monthly Financial Report

Paul Becker, Chief Financial Officer gave a summary of the Monthly Financial Report. He stated sales tax for the month of March was a little soft compared to what it has been for the last few months. He stated the city is still up 1.45%, however we are up over 8% for the first quarter in sales tax. He spoke about the Street Fund, Parking Fund, HMR taxes, Water & Sewer billings, Recycling & Trash, and the Airport.

Agenda Additions: None

Consent:

Approval of the April 20, 2021 City Council meeting minutes.

APPROVED

Community Resources Donations: A resolution to approve a budget adjustment for the Community Resources Division in the total amount of \$11,509.00 representing donations from citizens and local businesses.

Resolution 122-21 as recorded in the office of the City Clerk

Watershed Conservation Resource Center Task Order No. 08: A resolution to approve Task Order No. 8 with the Watershed Conservation Resource Center in the amount of \$73,000.00 for continued native vegetation establishment efforts and minor adjustments within completed restoration project areas.

Resolution 123-21 as recorded in the office of the City Clerk

Bid # 21-31 Lewis Ford: A resolution to award Bid # 21-31 and approve the purchase of two trucks from Lewis Ford of Fayetteville in the total amount of \$151,680.00, for use by the Animal Services Division.

Resolution 124-21 as recorded in the office of the City Clerk

MHC Kenworth: A resolution to authorize the purchase of a Kenworth Dump Truck from MHC Kenworth of Springdale, Arkansas for the amount of \$167,000.00, pursuant to a Sourcewell Cooperative Purchasing contract, for use by the Transportation Division.

Resolution 125-21 as recorded in the office of the City Clerk

Bid # 21-32 Summit Truck Group: A resolution to award Bid #21-32 and approve the purchase of one International Truck with Kann Recycling Body from Summit Truck Group of Little Rock in the amount of \$191,000.00, for use by the Recycling and Trash Collection Division.

Resolution 126-21 as recorded in the office of the City Clerk

Springdale Tractor: A resolution to authorize the purchase of a Kubota Tractor and a Track Loader with Forestry Mulcher from Springdale Tractor for the total amount of \$132,995.77 plus any applicable tax and freight charges, pursuant to a Sourcewell Cooperative Purchasing contract, and to approve a budget adjustment.

Resolution 127-21 as recorded in the office of the City Clerk

Federal Aviation Administration (FAA): A resolution to authorize the acceptance of a Coronavirus Response and Relief Supplement Appropriation Act Grant from the Federal Aviation Administration in the total amount of \$57,162.00 to provide pandemic-related crisis relief to Drake Field Airport, and to approve a budget adjustment.

Resolution 128-21 as recorded in the office of the City Clerk

Arkansas Historic Preservation Program: A resolution to authorize a grant agreement with the Arkansas Historic Preservation Program for acceptance of a Certified Local Government Grant in the amount of \$65,000.00 to complete a community wide preservation plan and a cultural resource survey of the University Heights and Haskell Heights neighborhoods, and to approve a budget adjustment.

Resolution 129-21 as recorded in the office of the City Clerk

J.R. Stewart Pump & Equipment, Inc.: A resolution to accept a quote in the amount of \$32,942.89 plus applicable taxes and freight charges from J.R. Stewart Pump & Equipment, Inc. for the repair of a pump at the Gregg Avenue Lift Station.

Resolution 130-21 as recorded in the office of the City Clerk

University of Arkansas Memorandum of Agreement: A resolution to authorize the Mayor to sign a Memorandum of Agreement with the Board of Trustees of the University of Arkansas on behalf of the Division of Agriculture for water quality studies for the amount of \$37,631.00, and to approve a project contingency in the amount of \$3,763.10.

Resolution 131-21 as recorded in the office of the City Clerk

McClelland Consulting Engineers, Inc. - 2019 Fire Facilities Bond Project: A resolution to approve two contracts with McClelland Consulting Engineers, Inc. in the total amount of \$43,481.00 for materials testing services associated with the construction of Fire Stations 8 and 9, to approve a project contingency in the amount of \$6,000.00, and to approve a budget adjustment - 2019 Fire Facilities Bond Project.

Resolution 132-21 as recorded in the office of the City Clerk

McClelland Consulting Engineers, Inc. - 2019 Police Headquarters Bond Project: A resolution to approve a Professional Engineering Services Agreement with McClelland Consulting Engineers, Inc. in the amount of \$29,515.00 for materials testing services associated with the new Police Headquarters Facility, to approve a project contingency in the amount of \$6,000.00 and to approve a budget adjustment - 2019 Police Headquarters Bond Project.

Resolution 133-21 as recorded in the office of the City Clerk

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

Unfinished Business:

RPZD-2021-003: (2390 S. Dead Horse Mtn. Rd./Meadows at Stonebridge SD): An ordinance to approve a Residential Planned Zoning District entitled R-PZD 21-003 for approximately 51.33 acres located at 2390 South Dead Horse Mountain Road to allow the development of 168 residential lots and 1 mixed use lot. *At the April 20, 2021 City Council meeting this item was left on the First Reading.*

Council Member Scroggin 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.

Jonathan Curth, Development Services Director gave a brief description of the ordinance. He stated there was quite a bit of interest in the previous entitlements on the property. He stated there were concerns about the utility access and how this property could actually be developed given that it doesn't appear to have direct access to sanitary sewer. He spoke about the number of proposed units. He spoke about the infrastructure. He stated an easement was dedicated by the previous property owner of the golf course in 2018 to provide additional width to the easement to

accommodate additional sanitary sewer main. He spoke about the accuracy of the Exhibit. He recommended Council to consider the new Exhibit that was before them, which accurately reflects the legal description. He stated staff and the Planning Commission recommend approval of the request.

Tom Hennelly, Crafton Tull stated he was representing the developer. He gave a brief history of the project. He spoke about the easement for the sewer main. He spoke about changing the name of the project.

Mark Rouse, Developer stated he has developed other subdivisions in Fayetteville and all of his construction is in South Fayetteville. He spoke about social economic diversity to allow for a wide range of people to afford houses. He spoke about economic feasibility. He spoke about trying to create a community. He spoke about the variety of houses he intends to build.

Council Member Scroggin: We have been enticed by mixed use before and never got to see the things we actually wanted. What mechanisms are there to make the commercial come first?

Jonathan Curth: One tool the Commission and the Council has used, is to bind the entitlements of certain lots so that even if they were permitted to develop for mixed use, they were not allowed to have residential until commercial came first. It's similar to the Magnolia Place subdivision in Northwest Fayetteville at the end of Ruppel Road. The Commission had assigned a condition of approval for one of the lots in this subdivision for a similar standard that the applicant has agreed too.

Council Member Scroggin: I assume we aren't going to approve this tonight. I would like to have a meeting to talk about those a little bit more, both for this one and in general. We have been tricked before.

Council Member Turk: What is the infill score on this development?

Jonathan Curth: It is was a mix between 2 and 4.

Council Member Turk: It looks like the sewer requirements are fairly significant and complicated. Thank you for drawing that map out for us. It was helpful. Are there going to be additional costs to the city in any of this? Are we going to have to upgrade the lift station or is the developer required to do that? I understand they will have to place a larger pipe in there.

Jonathan Curth: It is always difficult to know for certain what those details are before the development request. That certainly was a piece of the convoluted proposal to do a gravity main to the lift station to send it back the same direction. The lift station does have capacity. The alternative to proposing a gravity main to the lift station, is another lift station, which is not only costly and would likely be the immediate burden of the developer, but those are ultimately dedicated to the city. They don't depend on gravity. By concentrating it in one lift station, the aspiration was to minimize the cost to the city. There is a potential to need to upgrade a water line on Dead Horse Mountain Road and that would be at the expense of the developer.

Council Member Turk: If this development is approved, the city has no cost, except in the long term maintenance of the lift station and the infrastructure of the water pipes. Is that correct?

Jonathan Curth: Generally, yes. There are always opportunities for projects to cost share if there is a potential city goal going on where the city can work with the developer, but those typically come back before the Council. It is not intended to put the burden on the city. It is to share the burden that the developer and the city wants.

The City Council received 5 public comments regarding this ordinance.

Robert Rhoads, Hall Estill Law Firm requested for the ordinance to be left on the second reading. He stated he was speaking on behalf of neighbors and the golf course. He referenced the 10 concerns he sent in a memo to the City Council. He spoke about wanting to have a meeting with the developer to work out some of the concerns. He stated a meeting took place, but the developer was not in attendance. He stated he met with the developer's engineers, but the developer was not in agreement with what had been proposed. He encouraged the developer to have a meeting with the concerned neighbors.

City Attorney Kit Williams: Jonathan Curth has presented a corrected Exhibit A. The City Council needs to make a motion to accept that as the new Exhibit A and replace the old one, which had a minor problem with it.

Council Member Scroggin moved to amend the ordinance to accept the new Exhibit A. Council Member Gutierrez seconded the motion. Upon roll call the motion passed unanimously.

Council Member Scroggin stated he would like to leave the ordinance on the second reading to allow some things to get worked out before the next City Council meeting. He stated this is low density, whether we go with the original Bill of Assurance or what we are looking at. He stated below four acres is low. He stated we need houses desperately. He stated there are people getting kicked out of Fayetteville because they can't afford to buy a home in the city they grew up in. He stated he likes the proposed mixed density and appreciates the developer going through the PZD process. He stated if we are wanting to save a golf course, putting 200 more houses around it will be 200 more neighbors also wanting to save the golf course.

Council Member Gutierrez stated she would like to see some meetings come to fruition and more compromise to create progress.

This ordinance was left on the Second Reading.

New Business:

Reaffirming Fayetteville's Welcoming of All Persons: A resolution to affirm the City of Fayetteville's commitment to diversity, inclusion, and protection of our transgender citizens, residents, and visitors.

Mayor Jordan: This is something Kit Williams and I have brought forward to the City Council. This is something I had concerns about when I saw the transgender laws that were being passed. We spoke against this. We sent letters and made our voice heard. We are bringing forward a resolution to let all of our voices be heard as a city.

City Attorney Kit Williams: The reason I wrote this after talking with the Mayor, was to give the City Council the right to show your commitment and reaffirm what you have already done many times in the past. This is to reaffirm what our citizens did in 2015 when they voted against discrimination against our transgender citizens. Some of the legislature has said they weren't doing anything discriminatory, but if you ask the transgender community, they might have a different opinion. We should allow the City Council to take a look at this and see if they want to make a statement about how Fayetteville is a welcoming and non-discriminatory city.

Mayor Jordan: Council Members Scroggin and Gutierrez have asked to sign on to this. We have made a place for them. Any other Council Member that would like to sign on, we will make sure to have a place for you, as well.

Council Member Turk: I would like to sign on as a co-sponsor. Diversity inclusion is foremost in Fayetteville in keeping our healthy culture and welcoming stance to all people. I appreciate the leadership in drafting this resolution.

Council Member Kinion: I would like to be a co-sponsor. We have a heritage in Fayetteville that is welcoming. We want to enhance that reputation and preserve it.

Council Member Jones: I would like to be a co-sponsor. Fayetteville as been voted one of the best places to live in the country. Fayetteville continues to grow. A large part of that is contributed to our inclusive nature. I appreciate what Mayor Jordan and Kit have done in affirming what the voters requested in 2015.

Council Member Bunch: I will co-sponsor too. I support this and can't believe we are having to do this. It is an important part of who we are as Fayetteville. We are an accepting city and we encourage diversity.

Council Member Hertzberg: Is this in relation to the SAFE Act and the Medical Ethics & Diversity Act?

Mayor Jordan: Yes, it is. It's the one where they refuse treatment to transgender.

Council Member Hertzberg: I agree with everything that is stated in this resolution, which is why I will be supporting it. However, I am not willing to rebuke the recently passed state laws. I believe we can simultaneously support inclusion and common sense. With respect to the SAFE Act, I support the prohibition of gender transition procedures for minors. Minors are unable to purchase alcohol and tobacco. They are unable to gamble, vote, own property, sue or be sued and in many cases consent to medical treatment. We are protecting children who aren't considered capable of handling the same information as mature adults and cannot yet provide necessary informed consent. If we discriminate based on age for any of these factors, why would that same

logic not apply to the experimental and often times the irreversible treatment of gender dysphoria. I am not questioning the rights to such treatment for individuals over the age of 18. Regarding the Medical Ethics & Diversity Act, I support the health care professional's right to refuse treatment based on religious or moral objection. I believe we can simultaneously support civil rights and religious freedom. As long as treatment is available from alternative providers, then the conscientious objections of a single practitioner should not be accorded less merit than that of a patient. Fayetteville should be a welcoming, accepting and safe community for every group and individual.

The City Council received 4 public comments regarding this resolution.

Council Member Scroggin: I am a math instructor at the U of A. I have taught Democrats, Republicans, all races, genders, sexual orientations and trans individuals. If anyone were to refuse to teach somebody based on one of the above things, they shouldn't be a teacher. I feel the same way about the medical community.

Council Member Gutierrez: This legislative session has been traumatizing. The resolution is in rebuke of the State law. This will send a positive message to our trans community members that things in Fayetteville haven't changed. When laws are wrong, we need to stand against that. I support this resolution.

Mayor Jordan: In 2015 we passed the Civil Rights ordinance. Thank you to Council Member Petty for bringing the original ordinance forward. Thank you to former Council Member Gray for bringing the second one forward that we passed. There were a lot of things I saw in the State legislature I did not agree with. I saw State legislature pass laws that has attacked our environmental protection. Laws that have prohibited us from passing ordinances that will protect the health and safety of our people. They have passed laws that discriminate against a class of people and attacked our ability to locally control our city. I think that is wrong. These are the wrong laws in the wrong place, and they send the wrong message. This resolution is the right voice in the right place at the right time. You don't always have to stand tall, but you do need to stand up and let your voice be heard and protect those that need to be protected. You don't win every fight, but if you are on the right side, you need to fight every fight. This resolution stands up for what is right. Let us be judged by history tomorrow.

City Attorney Kit Williams: Mayor, I have known you for 20 years. You have always been for equality and welcoming. That is one reason I like working with you.

Mayor Jordan: Thank you, Kit.

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

Resolution 134-21 as recorded in the office of the City Clerk

Peace at Home Family Shelter, Inc.: A resolution to provide public notice that the City Council is considering the sale to the nonprofit Peace at Home Family Shelter, Inc. of about four acres of land which adjoins its current shelter.

Mayor Jordan: Susan Norton, Kit Williams and the Peace at Home folks have been working really hard on this.

Susan Norton, Chief of Staff gave a brief description of the resolution. She spoke about the steps that would follow if this resolution passes. She stated the city has long supported and appreciated the services of Peace at Home Family Shelter for providing the vital accommodations for victims of violence and domestic abuse.

Teresa Mills, CEO of Peace at Home gave a brief description of what Peace at Home provides for victims of domestic violence and their children. She stated since 2008 there has been a lot of growth in Northwest Arkansas and they are starting to feel that pinch at the shelter. She stated they operate on a waiting list for their emergency shelter every single day. She spoke about the challenging office space situation and the need of additional land.

Teddy Cardwell, Board Member spoke about the effects of having pets in a domestic violence shelter and what it did for the victims of domestic violence. She spoke about the continuing need of a domestic violence shelter and the need to expand. She stated in order to allow people to come out of domestic violence situations and not worry about leaving their animals in those situations, they need to build the Candy Clark Peace at Home Memorial Shelter.

Council Member Scroggin: When we sell land, do we ever keep a right of first refusal to sell it back to the city?

City Attorney Kit Williams: I don't think we have done that in the past. We did not do that with Peace at Home the first time. We are interested in helping them as much as possible. It's not a good idea to put strings around something like that. It might hurt their fundraisings.

Council Member Gutierrez: This is a great idea. I hope it passes.

Mayor Jordan: Thank you to the Peace at Home Shelter. You all do fantastic work. You take care of people and you give them hope. Candy Clark was a dear friend of mine and I miss her. I encourage the Council to pass the resolution.

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

Resolution 135-21 as recorded in the office of the City Clerk

SRD Builders, LLC: An ordinance to waive formal competitive bidding and approve a cost share agreement with SRD Builders, LLC for the extension of a 4-inch water line on West Lawson Street

with a refund in an amount not to exceed \$20,484.88.00 to be paid by the City of Fayetteville, and to approve a project contingency in the amount of \$2,048.00.

City Attorney Kit Williams read the ordinance.

Tim Nyander, Utilities Director gave a brief description of the ordinance. He stated the cost share proposal replaces the aging galvanized water line. He stated it allows a portion of the customers on both sides of Lawson to connect to a larger pipe, which will give them more volume at their meter. He stated it provides a water connection that could be extended if development occurs to the east of Lawson. He stated it removes a section of lead pipe from the city's water distribution system, which is a requirement of the impending revisions of the lead and copper rule that will be passed this year. He stated funds are available in the Water & Sewer Impact Fee Cost Sharing account within the Water & Sewer Fund. He stated the Water, Sewer & Solid Waste Committee recommended in favor of forwarding the item to City Council for approval.

Council Member Turk moved to suspend the rules and go to the second reading. Council Member Scroggin 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 Jones 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 6429 as Recorded in the office of the City Clerk

RZN-2020-032 (4023 W. Wedington Dr./RPA, LLC.): An ordinance to rezone that property described in rezoning petition RZN 21-032 located at 4023 West Wedington Drive for approximately 1.97 acres from C-1, Neighborhood Commercial to CS, Community Services.

City Attorney Kit Williams read the ordinance.

Jonathan Curth, Development Services Director gave a brief description of the ordinance. He spoke briefly about the history of the lot. He stated staff recommends approval. He stated the Planning Commission unanimously agreed with staff's recommendation. He stated there has been no public comment.

Jeff Bates, Applicant stated he would deal with any issues during the large scale process.

Council Member Scroggin: Jonathan, would you still be in support of this if you knew this was all going to be single family residences? I think that is what's going to happen.

Jonathan Curth: Yes, I would. Regardless of what the ultimate development plans are, it is important to set the stage with these zoning districts in the city for what we aspire too. I know it is anecdotal and the Council should not take it to the bank, but the applicant does intend to develop multifamily in the eastern half with some services. Staff supports CS on this even if we knew single family was being built here.

Council Member Scroggin: I hope it is something other than single family. We put a lot of money in infrastructure down Ruppel Road and it didn't turn into the density. Now, we've got expenses that far out way the property taxes.

Council Member Petty: Is it relevant to ask questions about this phase of Park Meadows that are more general, but maybe related or is that improper?

Jonathan Curth: I believe that is the next item on the agenda.

City Attorney Kit Williams: We have very broad procedural rules. If you want to make some discussion about this, I don't see that as a problem.

The City Council received one public comment regarding this ordinance.

Mayor Jordan: Is this in Ward 4?

Jonathan Curth: Yes.

Mayor Jordan: What are the thoughts of the Ward 4 representatives?

Council Member Hertzberg: I would be in favor of this. CS is appropriate for this area. I live very close by.

Council Member Turk: I am glad Jonathan provided the history about the lot.

Council Member Scroggin 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 Scroggin 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.

Council Member Gutierrez: We had an opportunity to add an ordinance to exclude single family from CS and from the City Council's vote, that wasn't the choice. I hope there won't be single family here. We need to get this into compliance.

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

Ordinance 6430 as Recorded in the office of the City Clerk

RZN 2021-035: (S.E. of Morningside Dr. & Huntsville Rd./Park Meadows, Ph. V): An ordinance to rezone that property described in rezoning petition RZN 21-035 located southeast of Morningside Drive and Huntsville Road for approximately 0.66 acres from NC, Neighborhood Conservation to CS, Community Services.

City Attorney Kit Williams read the ordinance.

Jonathan Curth, Development Services Director gave a brief description of the ordinance. He stated it is currently still entitled under Phase 4 of the Park Meadows Master Plan. He stated staff has not seen any other development proposals. He stated it is currently entitled for single family homes that front Morningside Drive. He stated the existing zoning in the area is a result of a 2016 action by the City Council for the overall Parks Meadow property. He stated there is a Bill of Assurance on the property that requires that the RA zoned area be dedicated into a conservation easement. He stated staff found the request to be consistent with existing land uses in the area and long range plans. He stated staff recommends in favor of the request. He stated the Planning Commission forwarded it recommending approval by a split vote. He stated there has been no public comment.

Jesse Fulcher, Applicant stated there are two different zoning districts and it would be easier to have them underneath one zoning district. He stated they are still entitled for single family homes.

Council Member Petty: When we negotiated the last zoning action, there were a number of improvements that were negotiated. It included a contribution to a fund to support the eventual construction of a traffic signal at Morningside and Huntsville and a portion of the trail on the north end of the larger tract that this rezoning isn't part of. Are those improvements still intended to be constructed as part of the Park Meadows phases? Does this rezoning affect those agreements? I remember a lot of discussion about the trail and the signal were anchored to the number of units that were going to be constructed in this location.

Jonathan Curth: Your memory serves you correctly. When the preliminary plat came through the Planning Commission, there were some heightened street improvement recommendations from staff. The Planning Commission offered a more moderated version of that. The applicant still felt aggrieved and so they appealed the approval to the City Council. A different set of street improvements were approved, including the ones that you outlined. Many of those are tied to specific phases of the project. Phase 4 is when the traffic signal payment would come through. As to whether this rezoning would modify or affect that approval, it depends if the scope of the project were to change. Many of our street improvements, when projects come into Fayetteville are tied specifically to the anticipated impacts of a development. The allowances in the CS zoning district are significantly higher than the Neighborhood Conservation with its single family, 10 units per

acre maximum. It could result in additional street improvements if a new entitlement was proposed, but I have not seen anything yet, so I can't say that it would change.

Council Member Petty: Are you saying to the best of your recollection, in Phase 4 you will review development plans and at that time you will process the agreement about the traffic signal and the trail?

Jonathan Curth: The project is currently entitled to require those improvements, or those assessments be made. Alternately, if the proposed entitlement changed from the property, it may necessitate reevaluating what those street improvement requirements were. Whether it's a heightened assessment or making complete improvements, rather than just a portion of them.

Jesse Fulcher: The zoning shouldn't change any of our requirements for improvements and contributions for traffic signals. All of that was tied to our preliminary plat approval, which is still valid. We are still required to do all those things. If we come back with a new plan that significantly ups our density or the intensity of the single family homes originally approved, then at that point, the Planning Commission would have an opportunity to add additional upgrade requirements and costs for the signal contribution.

Council Member Scroggin: I hope we have higher density here. This is within the Mayor's box and where we need to have increased density for property taxes to pay for infrastructure. I am in support.

Council Member Gutierrez: I would like to have more time to reach out to my Ward to let people know about this item. I would like to hold it.

Jonathan Curth: I am looking at the ordinance from 2016 when the preliminary plat was appealed to Council. The assessment for the traffic signal was due with the final plat for the final phase, which would be this corner that is being proposed to be rezoned. That has not been collected yet, nor was it required yet.

This ordinance was left on the First Reading.

RZN 2021-036: (216 & 224 N. Fletcher Ave. and 227 N. Summit Ave./Admiral East, LLC.):

An ordinance to rezone that property described in rezoning petition RZN 21-036 located at 216 and 224 North Fletcher Avenue and 227 North Summit Avenue for approximately 0.58 acres from RSF-4, Residential Single Family, 4 units per acre to RSF-18, Residential Single Family, 18 units per acre.

City Attorney Kit Williams read the ordinance.

Jonathan Curth, Development Services Director gave a brief description of the ordinance. He stated staff found the request to be land use compatible. He stated staff found the request to be complimentary of the city's adopted long range plans. He stated staff believes the request compliments the City Plan 2040 goals. He stated staff recommends in favor of the request. He

stated the Planning Commission forwarded it to City Council with a divided vote and one recusal. He stated the public comments vary in favor and opposition.

Max Mahler, Applicant gave a brief description of the property and project. He spoke about the infrastructure.

Council Member Gutierrez: Is there RMF-24 nearby?

Jonathan Curth discussed the map showing RMF-24 transitioning on the other side of Fletcher.

There was a brief discussion about making sure the map in the packet is accurate.

Council Member Scroggin: Under the three duplexes they had before, that is 10.3 units per acre. It would go to 13.8 and we aren't talking about a large increase from what was recently there. These are things that we need to start approving so that we don't have to approve these 400 unit subdivisions farther out in the city. We are in desperate need of houses. This makes sense. When they hit the plat requirements, we can start looking at storm water. We are going to continue to have flooding and we need to keep looking at that to deal with it.

Council Member Turk: One of the neighbors has concerns about Summit. What infrastructure would be required on Summit and Fletcher? I don't think there is a sidewalk on Summit. To the west, it says RMF-24. If you drive by there, that may be the zoning, but that's not the build type. It would be helpful if Council took a drive by there to look at it.

Jonathan Curth: You are correct. Fletcher is fairly built out. It includes a sidewalk on one side of the street. Summit is fairly narrow and no curb, gutter or sidewalk. If a project did come through here, we always have the question of the size of the project and what it could possibly support. Any improvements on Summit would likely require widening. If the project is going on Fletcher, it's not clear what would be required along there. It depends on what is being proposed. Any development on Fletcher would necessitate some significant improvements.

Council Member Turk: I would like to leave it here and have a tour to walk around the neighborhood, especially in the Hillside Hilltop area of town.

Council Member Gutierrez: I would support a tour and give neighbors an opportunity to come.

This ordinance was left on the First Reading.

Announcements:

City Attorney Kit Williams: The City Prosecutor works for me and as part of the change we made for a hate crime component in city prosecution of the Fayetteville Code, we were supposed to announce to the City Council in the first meeting in May what has happened since October of last year. He has not run into a case yet in the first five months. In talking to our City Prosecutor, he is keeping an eye out for any case that would be appropriate. At this point in time, he has not

had to enter a prosecution where he would have put into place the enhancement the City Council passed back in October. Next year, we will have a more complete statement from him. He will have a whole year to look back at.

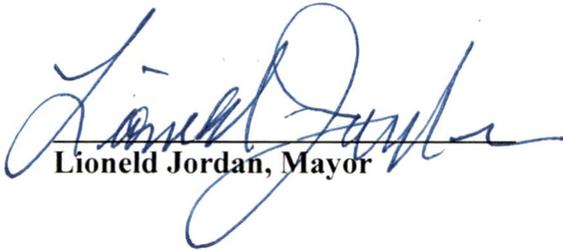
Kara Paxton, City Clerk Treasurer: On Friday of this week, we will be releasing the City of Fayetteville application form to be able to apply for a Board, Committee or Commission. It will open up the vacancies and will be posted on the City Clerk website, under Boards, Committees and Commissions.

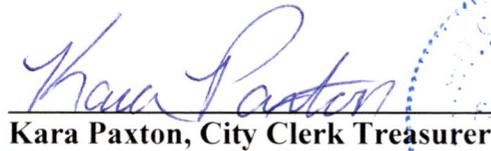
City Council Agenda Session Presentations:

Sales Tax Report by Paul Becker

Energy Report by Peter Nierengarten

Adjournment: 8:09 p.m.


Lioneld Jordan, Mayor


Kara Paxton, City Clerk Treasurer

