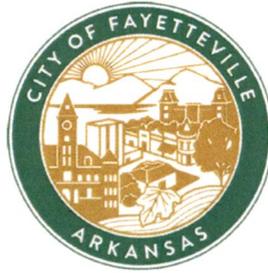


Council Member Sonia Harvey
Ward 1 Position 1

Council Member D'Andre Jones
Ward 1 Position 2

Council Member Mark Kinion
Ward 2 Position 1

Vacant
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
December 21, 2021**

A meeting of the Fayetteville City Council was held on December 21, 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 Sonia Harvey, D'Andre Jones, Mark Kinion, Sloan Scroggin, Sarah Bunch and Teresa Turk joined the meeting via online using a video conferencing service called Zoom.

Mayor Lioneld Jordan, Council Member Holly Hertzberg, City Attorney Kit Williams, Deputy City Clerk Kim Johnson, Chief of Staff Susan Norton, Chief Financial Officer Paul Becker, 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:

Presentation to Matthew Petty for his 12 Years of Service on the City Council.

Mayor Jordan stated it is an honor to present this award. He read what was written on the plaque. He stated he appreciated Matthew's service, dedication, hard work and vision. He stated Matthew will be missed by the City Council, citizens and himself. He expressed gratitude for the work he did for the City of Fayetteville.

Mathew Petty stated it is an honor to receive this. He spoke about Mayor Jordan always being a mentor to him. He spoke about his time on the City Council. He stated he earned a reputation at the city as being someone who would try. He spoke about what it takes in being a good leader. He stated he loves this city, but more than that, he loves the people who live here and work here.

Mayor Jordan: Thank you for your service to this city.

City Council Meeting Presentations, Reports, and Discussion Items:

Nominating Committee Report

Council Member Bunch presented the Nominating Committee report and recommended the appointments as submitted. She stated Emily Sledge on the Animal Services Advisory Board should actually read, one unexpired Citizen at Large Term ending 6/30/24.

Council Member Hertzberg moved to approve the Nominating Committee Report as read. Council Member Bunch seconded the motion. Upon roll call the motion passed 7-0. Council Members Jones, Kinion, Scroggin, Bunch, Turk, Hertzberg and Harvey voting yes.

Agenda Additions:

Climate Refugee Resettlement Services: A resolution to accept Dick Bennett's generous \$100,000.00 gift and to establish a trust fund that will be made available as a pass-through to other agencies who may provide climate refugee resettlement services.

Council Member Hertzberg moved to add the item to the agenda. Council Member Scroggin seconded the motion. Upon roll call the motion passed 7-0. Council Members Jones, Kinion, Scroggin, Bunch, Turk, Hertzberg and Harvey voting yes.

City Attorney Kit Williams read the resolution.

Mayor Jordan: Dr. Bennett has always been a mentor for me. I've known him for about 50 years. He's always been compassionate and a caring individual. I can't thank him enough for his generous gift he has given to this city.

Council Member Turk: If this fund is established, can others donate to this trust fund? How will the decision about which agency or nonprofit will be made in terms of the amounts to donate? I do want to sincerely thank Dr. Bennett. He's been a mentor to me as well and this donation illustrates the kind of person he is.

Paul Becker, Chief Financial Officer: We anticipate doing what the resolution says, which is to create a trust fund. We will look for the best available organization to carry out the wishes of this endowment. If others care to donate to this for the same purpose, we can add to that fund. As long

as the purpose is exactly the same, but we will get the best organization we can and go through that organization to accomplish the purposes of that trust.

Council Member Turk: In the future, the city could also donate to that fund if they choose to do so. Is that correct?

Paul Becker: No. In this particular case, part of the issue is we can run grants, etc., through the city to help individuals, which is exactly what we do here. However, the city can't fund that specifically to help specific individuals.

City Attorney Kit Williams: This is not a finance by the city fund, but it has been established, and it can receive more contributions. I would think that the city, if there was a grant or something that the administration felt was worthy, would bring it back to the City Council and let the City Council approve whatever grant the administration might want to issue in this particular case.

Mayor Jordan: Thank you again to Dr. Bennett for his very generous contribution to this trust fund. Thank you to Susan, Paul and Kit for their work on getting this set up.

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

Resolution 310-21 as recorded in the office of the City Clerk

Consent:

Approval of the December 7, 2021 City Council Meeting Minutes.

APPROVED

CDBG Program Income & Donations: A resolution to approve a budget adjustment in the total amount of \$13,143.00 representing Community Development Block Grant Program income and donations from citizens and local businesses.

Resolution 311-21 as recorded in the office of the City Clerk

Fayetteville Fire Department Donation Revenue: A resolution to approve a budget adjustment in the amount of \$1,000.00 representing donation revenue to the Fayetteville Fire Department from the Bank of Fayetteville for the annual employee service awards event.

Resolution 312-21 as recorded in the office of the City Clerk

Recognize State and Federal Forfeitures: A resolution to approve a budget adjustment in the amount of \$173,843.00 recognizing revenue associated with federal and State Law Enforcement Forfeitures.

Resolution 313-21 as recorded in the office of the City Clerk

Fayetteville Police Department Donation Revenue: A resolution to approve a budget adjustment in the total amount of \$2,100.00 recognizing donation revenue to the Fayetteville Police Department.

Resolution 314-21 as recorded in the office of the City Clerk

Asphalt Materials Purchase: A resolution to authorize the purchase of asphalt materials for use by the Transportation Division on an as needed basis through the end of 2022.

Resolution 315-21 as recorded in the office of the City Clerk

Bid #22-01 Reflectorized Paint Markings: A resolution to award Bid #22-01 and authorize the purchase of reflectorized paint markings from Time Striping, Inc. in variable amounts and for varying unit prices as needed through the end of 2022.

Resolution 316-21 as recorded in the office of the City Clerk

Bid #22-02 Curb and Gutter Construction: A resolution to award Bid #22-02 and authorize the purchase of curb and gutter construction services from Sweetser Construction, Inc. in variable amounts and for varying unit prices as needed through the end of 2022.

Resolution 317-21 as recorded in the office of the City Clerk

Bid #22-03 Truck Hauling Services: A resolution to award Bid #22-03 and authorize the purchase of truck hauling services from Trulove Dirt Works, LLC as primary supplier and to authorize the use of other bidders based on price and availability as needed through the end of 2022.

Resolution 318-21 as recorded in the office of the City Clerk

Bid #22-04 Concrete: A resolution to award Bid #22-04 and authorize the purchase of concrete from Tune Trucking, Inc. d/b/a Tune Concrete Company as primary supplier in variable amounts and for varying unit prices and to authorize the use of other bidders based on price and availability as needed through the end of 2022.

Resolution 319-21 as recorded in the office of the City Clerk

Bid #22-05 Aggregate Materials: A resolution to award Bid #22-05 and authorize the purchase of aggregate materials from Hunt-Rogers Materials, LLC as primary supplier and to authorize the use of other bidders based on price and availability as needed through the end of 2022.

Resolution 320-21 as recorded in the office of the City Clerk

Bid #22-08 Plastic Drainage Pipe: A resolution to award Bid #22-08 and authorize the purchase of plastic drainage pipe from Ferguson Waterworks in variable amounts and for varying unit prices as needed through the end of 2022.

Resolution 321-21 as recorded in the office of the City Clerk

Bid #22-09 Concrete Drainage Pipe: A resolution to award Bid #22-09 and authorize the purchase of concrete drainage pipe from Scurlock Industries as a primary supplier in variable amounts and for varying unit prices as needed through the end of 2022.

Resolution 322-21 as recorded in the office of the City Clerk

Bid #22-11 Retaining Wall Blocks: A resolution to award Bid #22-11 and authorize the purchase of retaining wall blocks from Industrial Precast, Inc. in variable amounts and for varying unit prices as needed through the end of 2022.

Resolution 323-21 as recorded in the office of the City Clerk

Bid #22-12 High Performance Cold Mix Asphalt: A resolution to award Bid #22-12 and authorize the purchase of high-performance cold mix asphalt from Emery Sapp & Sons d/b/a Hutchens Construction Company, LLC as needed through the end of 2022.

Resolution 324-21 as recorded in the office of the City Clerk

Bid #22-14 Tree Grates: A resolution to award Bid #22-14 and authorize the purchase of tree grates from Neenah Foundry Company as primary supplier and the purchase of tree frames from Ferguson Enterprises as primary supplier and to authorize the use of other bidders based on price and availability as needed through the end of 2022.

Resolution 325-21 as recorded in the office of the City Clerk

Bid #22-15 Preformed Thermoplastic Pavement Markings: A resolution to award Bid #22-15 and authorize the purchase of preformed thermoplastic pavement markings from Geveko Markings, Inc. as primary supplier and Ennis-flint, Inc. as secondary supplier in variable amounts and for varying unit prices as needed through the end of 2022.

Resolution 326-21 as recorded in the office of the City Clerk

Bid #22-16 Native Stone Boulders: A resolution to award Bid #22-16 and authorize the purchase of Native Stone Boulders from Rock-It Natural Stone, Inc. in variable amounts as needed through the end of 2022.

Resolution 327-21 as recorded in the office of the City Clerk

Bid #22-17 Lights, Fixtures, And Poles: A resolution to award Bid #22-17 and authorize the purchase of lights, fixtures, and poles from Premier Lighting Group in variable amounts and for varying unit prices as needed through the end of 2022.

Resolution 328-21 as recorded in the office of the City Clerk

Animal Services Division Donation Revenue: A resolution to approve a budget adjustment in the amount of \$28,921.00 representing donation revenue to the Animal Services Division.

Resolution 329-21 as recorded in the office of the City Clerk

IPS Group, Inc. Amendment No. 1: A resolution to approve Amendment No. 1 to the contract with IPS Group, Inc. in the amount of \$311,500.00 for the purchase of additional parking equipment and services, and to approve a budget adjustment.

Resolution 330-21 as recorded in the office of the City Clerk

ParkMobile, LLC: A resolution to authorize Mayor Jordan to sign a three-year service agreement with ParkMobile, LLC, pursuant to a National Cooperative Purchasing Alliance contract, for mobile parking payment solutions in the Downtown and Entertainment Districts.

Resolution 331-21 as recorded in the office of the City Clerk

AMG Payment Solutions: A resolution to approve an agreement with AMG Payment Solutions, pursuant to a National Cooperative Purchasing Alliance contract, to consolidate the credit card processor for all parking related credit card payments.

Resolution 332-21 as recorded in the office of the City Clerk

RFP 21-05, First Security Bank: A resolution to approve a five (5) year professional services contract with first security bank for the provision of investment Management services.

Resolution 333-21 as recorded in the office of the City Clerk

Tyler Technologies, Inc.: A resolution to authorize a five-year renewal of the contract with Tyler Technologies, Inc, for annual maintenance of the New World Enterprise Resource Planning Software.

Resolution 334-21 as recorded in the office of the City Clerk

Garver, LLC: A resolution to authorize acceptance of an Arkansas Department of Aeronautics Grant in the amount of \$250,000.00, to approve Task Order No. 4 with Garver, LLC in the amount of \$45,000.00 for design, bidding, and construction phase services associated with the Fuel Farm Rehabilitation Project at Drake Field, and to approve a budget adjustment.

Resolution 335-21 as recorded in the office of the City Clerk

Routeware Global: A resolution to authorize an agreement with Routeware Global, pursuant to a Houston-Galveston Area Council cooperative purchasing contract, in the amount of \$127,936.00 for the purchase and installation of Routeware software and hardware to be used in the Recycling and Trash Collection Division Fleet.

Resolution 336-21 as recorded in the office of the City Clerk

Fayetteville Youth Center, Inc.: A resolution to authorize a contract between the City of Fayetteville, Arkansas and Fayetteville Youth Center, Inc. in the amount of \$225,000.00 to provide public recreation services for the youth and citizens of Fayetteville for 2022.

Resolution 337-21 as recorded in the office of the City Clerk

Area Agency on Aging of Northwest Arkansas: A resolution to authorize a contract between the City of Fayetteville, Arkansas and the Area Agency on Aging of Northwest Arkansas in the amount of \$123,524.00 to provide public recreation services for the senior citizens of Fayetteville for 2022.

Resolution 338-21 as recorded in the office of the City Clerk

Bid #21-78 NEC, Inc.: A resolution to award Bid #21-78 and authorize a contract with N.E.C., Inc. in the amount of \$4,316,631.10 for construction of the Missouri Creek Drainage Improvements Project, to approve a project contingency in the amount of \$319,600.00, and to approve a budget adjustment - 2019 Drainage Improvement Bond Project.

Resolution 339-21 as recorded in the office of the City Clerk

Ion Wave Technologies, Inc.: A resolution to authorize a three-year contract with Ion Wave Technologies, Inc., through the Arkansas Office of State Procurement, for electronic bidding and contract management software in the amount of \$19,810.00 for the first year, with automatic renewals for up to two additional one-year terms.

Resolution 340-21 as recorded in the office of the City Clerk

University of Arkansas Razorback Transit: A resolution to approve a one-year contract with the University of Arkansas - Razorback Transit with automatic renewals for up to four additional one year terms in an annual amount of \$300,000.00 for the provision of public transit services within the City of Fayetteville.

Resolution 341-21 as recorded in the office of the City Clerk

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

Unfinished Business:

Appeal RZN 2021-073 (2434 N. Deane Solomon Rd./Lewis Bros. Leasing): An ordinance to rezone that property described in rezoning petition RZN 21-073 located at 2434 North Deane Solomon Road for approximately 5.06 acres from RMF-24, Residential Multi Family, 24 units per acre to C-2, Thoroughfare Commercial. *At the December 7, 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 Jones seconded the motion. Upon roll call the motion passed 7-0. Council Members Jones, Kinion, Scroggin, Bunch, Turk, Hertzberg and Harvey voting yes.

City Attorney Kit Williams read the ordinance.

Jonathan Curth, Development Services Director gave a brief description of the ordinance. He stated staff did receive a proposed Bill of Assurance from the applicant yesterday and that was also shared with the City Attorney's office.

Suzanne Clark, Attorney for the applicant gave a brief history of the item. She stated that about 80% of this property is already zoned C-2 and is asking that the remaining five acres be allowed to be zoned to C-2. She stated it is already being used for automotive dealerships throughout that entire stretch of property along I-49. She spoke about the proposed Bill of Assurance being offered. She spoke about landscaping and lighting. She stated what was submitted to the city, it is page one and page three of that Exhibit and the last four pages, there were only two that had content. She stated even though the city was not interested in the discussion about the property on College Avenue and potentially rezoning that to UT, her client instructed her to remove the contingency that she had in that application. She stated that application for seven acres of the property on College Avenue is moving forward to rezone it from C-2 to UT.

Matt Lewis, Applicant stated he has worked very hard in coming up with a very attractive Bill of Assurance, with both the landscaping and the lighting. He stated the increase in landscape buffer in conjunction with the increase in tree density along these areas will provide a nicer curb appeal and will provide a divider for the residents. He stated with the proposed LED lights, there will be zero up light and less than 1% of light bleed around the perimeter. He spoke about the neighbors' concerns of traffic. He stated it makes sense for an automotive dealership to be in C-2 zoning and it makes sense for the land asking to be rezoned should match up with the same zoning as the remainder 80%.

City Attorney Kit Williams: Since a Bill of Assurance has been offered by the applicant, we need to amend the ordinance to make it subject to the Bill of Assurance. That would be to add subject to the Bill of Assurance at the end of the title and also at the end of Section 1. If amended it becomes part of the actual rezoning ordinance if we make it subject to it. That provides protection for the neighborhood.

Council Member Kinion moved to amend to add the Bill of Assurance. Council Member Bunch seconded the motion. Upon roll call the motion passed 7-0. Council Members Jones, Kinion, Scroggin, Bunch, Turk, Hertzberg and Harvey voting yes.

The City Council received one public comment regarding this ordinance.

City Attorney Kit Williams: The Bill of Assurance says that the use of the petitioner's property shall be limited to an automobile dealership and no other uses were included.

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

City Attorney Kit Williams read the ordinance.

Council Member Turk: I appreciate the applicant discussing this complicated issue with the members of the Pines group down the road and trying to accommodate some of their concerns, as well as some of the Council's concerns.

Mayor Jordan: A yes vote would be in support of the appeal. Correct?

City Attorney Kit Williams: Yes. If you are in favor of the rezoning, you would vote yes.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Council Members Jones, Kinion, Scroggin, Bunch, Turk, Hertzberg and Harvey voting yes.

Ordinance 6513 as Recorded in the office of the City Clerk

RZN 2021-074 (340 N. Double Springs Rd./Double Springs Road Rezone): An ordinance to rezone that property described in rezoning petition RZN 21-074 located at 340 North Double Springs Road for approximately 9.92 acres from R-A, Residential Agricultural, RSF-1, Residential Single Family, 1 unit per acre and RSF-4, Residential Single Family, 4 units per acre to RSF-8, Residential Single Family, 8 units per acre. *At the December 7, 2021 City Council meeting this ordinance was left on the second reading.*

Council Member Hertzberg 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 7-0. Council Members Jones, Kinion, Scroggin, Bunch, Turk, Hertzberg and Harvey voting yes.

City Attorney Kit Williams read the ordinance.

Jonathan Curth, Development Services Director stated he had no new updates or information on this item but was available for questions.

Cory Reynolds, Applicant stated he has spoken with the neighbors and feels the concerns were alleviated. He stated if we were to get this rezoned, we would still be under the amount of homes that are currently allowed, as it is zoned today. He stated it will take us from a potential of 27 to approximately 38 maximum.

The City Council received one public comment regarding this ordinance.

Council Member Turk: I was the one that asked that we delay this for a couple of weeks to see if we received any additional public comment. I have not heard anything.

Council Member Hertzberg: I haven't received any either. I appreciate the applicant reaching out to the neighbors and anyone that might have a concern.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Council Members Jones, Kinion, Scroggin, Bunch, Turk, Hertzberg and Harvey voting yes.

Ordinance 6514 as Recorded in the office of the City Clerk

New Business:

CH2M Hill Engineers, Inc. Amendment No. 13: A resolution to approve Amendment No. 13 to the Agreement for Operations, Maintenance and Management Services between the City of Fayetteville, Arkansas and CH2M Hill Engineers, Inc. in the amount of \$7,614,711.00 for services in 2022, and to approve a project contingency in the amount of \$380,735.55.

Tim Nyander, Utilities Director gave a brief description of the resolution. He stated staff does recommend approval of Amendment Number 13 for operations, maintenance and management services between the city and with CH2M Hill Engineers. He stated the item was presented to the Water & Sewer Committee for their consideration and it was recommended to be forwarded to the City Council by unanimous decision.

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

Resolution 342-21 as recorded in the office of the City Clerk

Employee Service Appreciation Pay: A resolution to approve a one-time award for city employees for their hard work and dedication provided during the Covid-19 Pandemic, and to approve a budget adjustment.

Missy Cole, HR Director stated on behalf of Mayor Jordan, she is bringing forward a recommendation to provide staff who served the city during the COVID pandemic, a one-time service appreciation award in recognition for their dedication to maintaining essential services for

our community. She briefly spoke about the amounts proposed. She stated she started with the city just before COVID began and has seen the flexibility of city staff. She stated staff has pulled together and jumped in to keep things running. She stated she is thankful to work with such a great team and thankful to Mayor Jordan, for being an employee advocate.

Paul Becker, Chief Financial Officer spoke about the funding. He stated this is not premium funds program as anticipated or described under the American Rescue Plan Act. He stated we are broadening the rules to include all of the employees at the city because the Mayor thinks all employees should be recognized. He stated it is being paid for by American Rescue Plan money that is a reimbursement for losses calculated for the year 2020.

Council Member Turk: Mayor, thank you for your initiative and staff's initiative of bringing this forward for our hardworking and dedicated employees during such difficult times. I've heard from citizens about water breaks and other kind of emergencies. Citizens have said how professional, positive and helpful our city employees have been. I commend you for bringing this forward in recognition of their hard work and sacrifice during difficult times.

Mayor Jordan: Thank you. As a Mayor of a city you will be about as successful as your staff makes you. We have a tremendous staff. They have worked extremely hard during this pandemic. This is a small way we can tell them how much we appreciate the service and dedication to this city and the citizens during this very tough time.

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

Resolution 343-21 as recorded in the office of the City Clerk

VAC-2021-029 (1624 N. Linda Jo Pl. /Lifestyles, Inc.: An ordinance to approve VAC 21-029 for property located at 1624 North Linda Jo Place to vacate a portion of a general utility easement.

City Attorney Kit Williams read the ordinance.

Jonathan Curth, Development Services Director gave a brief description of the ordinance. He stated municipal utilities, franchise utilities and the Transportation Department have all consented. He stated staff is recommending approval.

Lance Northsworthy, Applicant representing Lifestyles. He spoke about Lifestyles being a nonprofit service agency helping people with disabilities live full lives integrated into all aspects of community life. He gave a brief story about the owner of the property who has a disabled child.

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

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: Thank you to the applicant for his heartfelt explanation of Lifestyles. I have supported Lifestyles for a long time. They have come so far. It is a great thing that you are in Fayetteville.

Council Member Hertzberg 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 7-0. Council Members Jones, Kinion, Scroggin, Bunch, Turk, Hertzberg and Harvey voting yes.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Council Members Jones, Kinion, Scroggin, Bunch, Turk, Hertzberg and Harvey voting yes.

Ordinance 6515 as Recorded in the office of the City Clerk

RZN-2021-076 (5295 W. Wedington Rd./NWA Custom Homes, Inc.): An ordinance to rezone that property described in rezoning petition RZN 21-076 located at 5295 West Wedington Drive for approximately 2.43 acres from R-A, Residential Agricultural to NS-G, Neighborhood Services-General and 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 staff recommends approval. He stated the Planning Commission recommends approval with a vote of 6 to 0. He stated in regard to public comment, we have received an inquiry about the request, but no statements of opposition or support.

Robert Rhoads, Law Firm of Hall Estill spoke about the bottom part of the zone on the diagram. He stated if you left the bottom, just R-A then he probably wouldn't have had some expression from a particular Council Member about everything looks good with your proposal, except they want to be able to protect the stream. He stated the reason we included the whole thing, is probably more so oversight than anything else, but also because there's a three pronged approach that protects that piece of property. He spoke briefly about those protections. He stated he would love to see this go to a third reading and pass, but he understands there's a concern. He spoke about amending it at the meeting but knows there needs to be a legal description for it. He requested for Council to approve it tonight.

Council Member Turk: I do have concerns about the southern portion that is in the floodplain and the floodway. I would like to hold it so the applicant could make those adjustments he promised or is considering. Even though we've increased our regulation, I don't think these are sufficient. Leaving that in the lowest density is probably the best insurance we have to prevent a downstream flooding, stream bank erosion and other kinds of environmental issues that we have with our changing climate.

Council Member Hertzberg: I support Council Member Turk to leave this here.

This ordinance was left on the First Reading.

Appeal RZN-2021-077 (South & East of Dot Tipton Rd. & Double Springs Rd./Small Fish, LLC.): An ordinance to rezone that property described in rezoning petition RZN 21-077 located South and East of Dot Tipton Road and Double Springs Road for approximately 39.88 acres from R-A, Residential Agricultural to RSF-2, Residential Single Family, 2 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 recommends denial of the request. He stated the Planning Commission made a motion to forward the item, with a vote that failed by 2 to 4. He stated those who voted in favor of it, noted there was a compatibility with the large lots allowed in RSF-2 and there was an appropriate density for development at this part of the city. He stated the four who voted against it, did opine on the lack of amenities and connectivity in the area. He stated the public comments received were in opposition to the request, but there were some that said if it was developed with some additional buffer and landscaping, they could be more amenable to it. He stated this is a rezoning request and often they are not opportunities to consider issues like that.

Justin Colors, Applicant stated he was representing Small Fish Builders, LLC. He gave a brief history of the property. He spoke about his proposed project. He spoke about the Planning Commission and staff comments. He spoke about attainable housing. He stated attainable housing is housing that is affordable to households earning 81% to 120% of the area median income. He stated over the years, projects like this have been brought forward within the City of Fayetteville and they've been denied for various reasons. He stated a lot of people would like to attain this type of housing, but because of the denial of these projects, there's not a lot of this available. He stated he looked up some real estate offerings in the area right now on Zillow and Realtor.com of homes for a quarter acre to a half acre lots, 2,250 to 2,750 square feet. He stated there were eight pending in an average of \$175 a foot, one for sale at \$300 a square foot and one at \$250 a square foot. He stated that's not attainable housing for a lot of people for a home that size because that is well over half a million dollars for a 2,000 plus square foot house. He spoke about infrastructure and traffic concerns.

Council Member Scroggin: I represented a sale that is continuous with this rezone. I will be recusing.

Council Member Turk: Dot Tipton Road is very narrow. Before this development, I've had constituents call me about obstructions to that road such as vegetation. I'm wondering now, with the rezoning we just did earlier in the evening and also this proposed rezoning, how could that street be widened? How would that work to make it much safer and be able to accommodate more traffic? Would that be on the developer or collaboration with the city? That road is really a concern out there.

Jonathan Curth: That's always a challenge at this scale of proposal. When a development comes through, we have to evaluate it for the impact it's having. There's a legal consideration for how much can be requested of a development and what's the roughly proportional amount of improvement we can ask from a development for the impact it's having. Dot Tipton between 54th and Double Springs is about 4,000 feet long. It would be beyond the scope of this development to widen Dot Tipton along its entire length. It is a narrow road. The documents I've seen suggest it's anywhere between 16 and 18 feet wide. The baseline road width in Fayetteville is 20, which is to meet fire code. There'd be a few avenues that it could be improved. With this development, it would almost certainly be the portions of the project that front Dot Tipton and Double Springs that would have to be improved. That's a baseline standard. Otherwise, projects have to submit traffic impact studies with their development submittals and as a part of that under the city's new minimum street standards, we do have some capacity to assess dollar amounts, which we can put in a pot, and eventually either match it with city work or as we reach a critical mass of funds in that amount. Either we disperse that to a particular developer at that point to make the improvement overall for a city project. I don't believe Dot Tipton could or would be improved with just this project. A good portion of it would be, where it touches Dot Tipton today, but that would be a concern. In talking about this project with our Urban Forester, it is a largely treelined road as well. Any road widening at all would likely require removing a lot of trees in that area.

Council Member Turk: The developer is likely to have to widen Dot Tipton where the road meets the new development. There is kind of a hodgepodge of Dot Tipton because there is that gap in there. Did I accurately capture that Jonathan?

Jonathan Curth: Yes. This property has about 1,500 feet on Dot Tipton. There is a gap of about 300 or 400 feet in between that. It's possible that might have to be widened in between. We'd have to evaluate what eventually comes through with the development and whether that would be necessary for fire code. There are certain fire code standards if a subdivision gets to a certain size, it has to have two entrances. To get to both of those entrances, they have to meet baseline fire code standards. It may be that this property would have to improve Dot Tipton where it touches Dot Tipton, with street, sidewalks, street trees, but the intervening piece may only have to be wide to meet the minimum fire code standards.

Council Member Turk: That road is so narrow. I'm not surprised that it's not meeting fire code. With the increased population we have, it would seem the city would want to widen that also

Council Member Hertzberg: That property directly across the street, RSF-4, that's now RSF-8, I don't think the developer of this property should have to be solely responsible for widening of that section. It's directly adjacent to the property we just rezoned, which was a higher density. Maybe we can talk with Chris Brown and the Transportation Committee about how we could widen the road, but I don't know the developer should be involved.

City Attorney Kit Williams: It was built that way because it was a county road before we annexed it. When we face a situation like this, a new development going in and with the other one too, oftentimes a cost share can be worked out between the city and the developers, so we get a better bang for the buck in trying to widen the whole road that serves everyone out there. Obviously, both the developers that are coming in, they're not responsible for all of that, but that's why we do

cost shares. We did a cost share on Ruppel Road to help save our costs and to finally get it finished. The City Council can determine whether or not a cost share situation would be one you'd want to work out with the developers to improve Dot Tipton and at least make it 20 feet. You probably couldn't put everything on there, like a regular city street, but this would be something the city and the City Council could look at.

Justin Colors: Yes, that is an extremely narrow road. We would anticipate having to do some sort of widening on there. It needs to be done anyway, right now. It's been annexed in and it's not suitable for what it's serving right now. We fully acknowledge that needs to happen. Just across Double Springs Road, there's currently a development going in within the Farmington city limits. I ask Council to consider there are 500 homes being built over there, right now, that are hooked on to City of Fayetteville water and sewer. They will be sharing Dot Tipton when those homes are completed. If we were able to get this rezoning completed and could enter the design phase, it would allow us to explore options to perform improvements on Dot Tipton.

The City Council received one public comment regarding this ordinance.

Council Member Hertzberg moved to suspend the rules and go to the second reading. Council Member Kinion seconded the motion. Upon roll call the motion passed 6-0. Council Members Jones, Kinion, Turk, Hertzberg and Harvey voting yes. Mayor Jordan voting yes. Council Member Scroggin recused. Council Member Bunch was absent during the vote.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: Mr. Colors, on your Exhibit, did you show three lots on Dot Tipton or Double Springs that you thought might be for commercial?

Justin Colors: Yes, there are three lots there. We don't really have any plans. We'd be open to looking at those.

City Attorney Kit Williams: Right now, everything you're asking to be zoned is residential, so commercial couldn't go in there the way the application is right now.

Justin Colors: Correct. We're okay with that.

City Attorney Kit Williams: If it was passed like this, you wouldn't have commercial there. I think some of the Planning Commission and maybe some of the City Council might like to see commercial there. If you left it on this reading, then you might be able to go back and look at that to be able to offer something to the City Council, that's not just residential. Especially if you're going to have 500 homes going in, south of you.

Justin Colors: It is something to consider. Given how much time we've got in on this as of right now and given some contract constraints time wise, I'm going to choose to go ahead and try to move forward with this appeal. If we are able to get this rezoning approved, once we go into the design phase, we're happy to look at a possible rezoning on that.

Council Member Turk: I would like to hold this right here for two weeks, so that we could get a little bit more information about what might happen with Dot Tipton and how that would work. I'd like to hear from Chris Brown, so we would have all the information possible in two weeks. This would give the neighbors a little bit more time if they need to comment.

Council Member Hertzberg: I always want to support you in holding something, but the applicant mentioned time constraints. Mr. Colors, would you like to speak to that, and would two weeks be a hindrance to you?

Justin Colors: We can do two weeks. We'd be happy to answer any questions we can if it would make people more comfortable with it.

Council Member Hertzberg: Thank you. I'd like to hold it for two weeks.

This ordinance was left on the Second Reading.

Announcements:

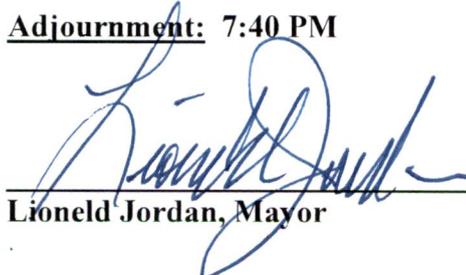
Mayor Jordan: This is our last City Council meeting of the year for 2021. I want to thank the City Council, Chief of Staff and all the staffs hard work. I would like to thank them for their dedication and for thinking of the citizens of the city, even more than yourself. I appreciate the City Attorney office and City Clerk office. We have seen a year that has been relatively challenging for us. Through it all, we've accomplished a lot of great things this year, despite the challenges we've had. We received three trendsetter awards from the Municipal League. When you look at a trendsetter, that's someone that always sets the pace. We were in the top 10 of the best cities to live in the United States. You don't get there by being complacent on where you are. Thank you to the City Council for being the kind of Council that pushes the envelope progressively. Thank you to the citizens for your support.

City Council Agenda Session Presentations:

Agenda Session Presentation - Short-Term Rental Update, Jonathan Curth.

City Council Tour:

Adjournment: 7:40 PM


Lioneld Jordan, Mayor


Kara Paxton, City Clerk Treasurer

