

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8323



City Council Final Agenda

Tuesday, May 16, 2023

5:30 PM

City Hall Room 219

City Council Members

Council Member Sonia Harvey Ward 1

Council Member D'Andre Jones Ward 1

Council Member Sarah Moore Ward 2

Council Member Mike Wiederkehr Ward 2

Council Member Scott Berna Ward 3

Council Member Sarah Bunch Ward 3

Council Member Teresa Turk Ward 4

Council Member Holly Hertzberg Ward 4

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Treasurer Kara Paxton

ZOOM INFORMATION:

1. **WEBINAR: 857 3392 9264**
PUBLIC REGISTRATION LINK:
[HTTPS://US06WEB.ZOOM.US/WEBINAR/REGISTER/
WN_J1FBRTLYSSU4XFKWRR4EOA](https://us06web.zoom.us/j/85733929264) (2023-611)

CALL TO ORDER**ROLL CALL****PLEDGE OF ALLEGIANCE****MAYOR' S ANNOUNCEMENTS, PROCLAMATIONS AND RECOGNITIONS****CITY COUNCIL MEETING PRESENTATIONS, REPORTS AND DISCUSSION ITEMS**

1. **ARKANSAS SPECIAL OLYMPICS AWARD FOR FPD - PRESENTED BY DONNA KILMER TO CHIEF MIKE REYNOLDS (2023-707)**

PROPOSED AGENDA ADDITIONS**A. CONSENT**

- A.1. **APPROVAL OF THE APRIL 18, 2023 AND MAY 2, 2023 CITY COUNCIL MEETING MINUTES: (2023-722)**

A.2. ELKINS SEWER EASEMENTS:

A RESOLUTION TO APPROVE THE CONVEYANCE OF EASEMENTS TO THE CITY OF ELKINS ACROSS PORTIONS OF CITY OF FAYETTEVILLE PROPERTY LOCATED NEAR LAKE SEQUOYAH FOR THE INSTALLATION OF SEWER LINES (2023-712)

A.3. 11TH STREET COTTAGES, LLC:

A RESOLUTION TO APPROVE A COST SHARE AGREEMENT WITH 11TH STREET COTTAGES, LLC FOR THE EXTENSION OF AN 8-INCH WATER MAIN NEAR THE CORNER OF EAST 11TH STREET AND SOUTH WASHINGTON AVENUE WITH A REFUND IN AN ESTIMATED AMOUNT OF \$47,834.30 TO BE PAID BY THE CITY OF FAYETTEVILLE, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$4,783.43 (2023-720)

A.4. KENT B. DETMER CONDEMNATION:

A RESOLUTION TO AUTHORIZE THE CITY ATTORNEY TO SEEK

CONDEMNATION AND POSSESSION OF CERTAIN LANDS OWNED BY KENT B. DETMER NEEDED FOR THE WEST WATER TRANSMISSION MAIN PROJECT (2023-716)

A.5. FHWA, ARDOT AND NARPC GRANT PROGRAM:

A RESOLUTION TO EXPRESS THE WILLINGNESS OF THE CITY OF FAYETTEVILLE TO APPLY FOR 80/20 FEDERAL-AID TRANSPORTATION ALTERNATIVE PROGRAM, CARBON REDUCTION PROGRAM, SAFE STREETS FOR ALL, AND SURFACE TRANSPORTATION BLOCK GRANT PROGRAM - ATTRIBUTABLE FUNDS IN THE TOTAL AMOUNT OF \$25,800,000.00 (2023-718)

A.6. TAXIWAY "E" ENVIRONMENTAL ASSESSMENT:

A RESOLUTION TO AUTHORIZE THE APPLICATION FOR A FEDERAL AVIATION ADMINISTRATION GRANT IN THE AMOUNT OF \$189,450.00 TO FUND 90% OF THE COSTS OF AN ENVIRONMENTAL ASSESSMENT FOR THE PROPOSED TAXIWAY E EXTENSION PROJECT AT DRAKE FIELD AIRPORT (2023-714)

A.7. CHANGE ORDER #12 RFQ-18-11 - ARTS CORRIDOR:

A RESOLUTION TO APPROVE CHANGE ORDER NO. 12 TO THE CONTRACT WITH NABHOLZ CONSTRUCTION CORPORATION IN THE AMOUNT OF \$2,378,349.40 FOR WORK RELATED TO THE CULTURAL ARTS CORRIDOR, AND TO APPROVE A BUDGET ADJUSTMENT – 2019 CULTURAL ARTS CORRIDOR BOND PROJECT (2023-725)

A.8. ARPA - NONPROFIT ASSISTANCE APPLICATIONS:

A RESOLUTION TO APPROVE SEVENTEEN AMERICAN RESCUE PLAN ACT NONPROFIT ASSISTANCE APPLICATIONS IN THE TOTAL AMOUNT OF \$1,000,000.00 TO PROVIDE ECONOMIC ASSISTANCE TO NONPROFIT ORGANIZATIONS UTILIZING AMERICAN RESCUE PLAN ACT FUNDS (2023-724)

A.9. ARPA - ARKANSAS UNITED COMMUNITY COALITION:

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN A SUBRECIPIENT AGREEMENT WITH ARKANSAS UNITED COMMUNITY COALITION TO PROVIDE FUNDING FOR TWO COMMUNITY NAVIGATORS TO ASSIST IMMIGRANTS IN FAYETTEVILLE WITH HEALTHCARE NEEDS UTILIZING AMERICAN RESCUE PLAN ACT FUNDS IN THE AMOUNT OF \$50,000.00, AND TO APPROVE A BUDGET ADJUSTMENT (2023-706)

A.10. 2023 DTF JAG GRANT AWARD ADDENDUM:

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF THE EDWARD BYRNE

MEMORIAL JUSTICE ASSISTANCE GRANT AWARD ADDENDUM FOR THE 4TH JUDICIAL DISTRICT DRUG TASK FORCE IN THE AMOUNT OF \$29,087.00, AND TO AUTHORIZE MAYOR JORDAN TO SIGN ALL NECESSARY DOCUMENTS TO RECEIVE THE GRANT FUNDS (2023-717)

B. UNFINISHED BUSINESS

B.1. AMEND §51.136 MONTHLY WATER RATES AND §51.137 MONTHLY SEWER RATES:

AN ORDINANCE TO AMEND §51.136 MONTHLY WATER RATES AND §51.137 MONTHLY SEWER RATES TO CHANGE WATER AND SEWER RATES AS RECOMMENDED BY THE COST OF SERVICE STUDY CONDUCTED BY BLACK & VEATCH (2022-319)

CONTACT CITY CLERK'S OFFICE FOR PREVIOUS ITEM HISTORY (JUNE 21, 2022 THROUGH MARCH 7, 2023).

AT THE APRIL 18, 2023 CITY COUNCIL MEETING, THIS ORDINANCE WAS LEFT ON THE SECOND READING AND TABLED TO THE MAY 16, 2023 CITY COUNCIL MEETING.

B.2. AMEND §72 PARKING REGULATIONS:

AN ORDINANCE TO AMEND CHAPTER 72 PARKING REGULATIONS OF THE FAYETTEVILLE CITY CODE TO AUTHORIZE THE MAYOR TO ESTABLISH AND ADMINISTER RULES REGULATING PARKING FEES IN ESTABLISHED PARKING ZONES, AND TO MAKE TECHNICAL REVISIONS (2023-674)

AT THE MAY 2, 2023 CITY COUNCIL MEETING, THIS ORDINANCE WAS LEFT ON THE FIRST READING.

C. NEW BUSINESS

C.1. DISSOLUTION OF ENERGY IMPROVEMENT DISTRICT 1:

AN ORDINANCE TO REPEAL ARTICLE XXVI ENERGY IMPROVEMENT DISTRICT NO. 1 IN CHAPTER 33 DEPARTMENTS, BOARDS, COMMISSIONS, AND AUTHORITIES OF THE FAYETTEVILLE CITY CODE, AND TO APPROVE THE DISSOLUTION OF ENERGY IMPROVEMENT DISTRICT NO. 1 (2023-688)

C.2. AMENDMENT: §92.04(C) PET STORE OPERATIONS:

AN ORDINANCE TO AMEND § 92.04 (C) OF THE FAYETTEVILLE CODE TO CONFORM THIS SUBSECTION WITH THE JUST ENACTED ACT 730 OF THE 94TH GENERAL ASSEMBLY (2023-740)

C.3. AMENDMENT: §97.086 VENDING AND PEDDLING IN PARKS:

AN ORDINANCE TO AMEND THE TITLE OF CHAPTER 97 PARKS AND RECREATION TO PARKS, NATURAL RESOURCES, AND CULTURAL AFFAIRS, AND TO AMEND § 97.086 VENDING AND PEDDLING TO AUTHORIZE THE DIRECTOR OF PARKS, NATURAL RESOURCES, AND CULTURAL AFFAIRS TO APPOINT A MARKET ORGANIZER TO COORDINATE VENDORS AT THE GULLEY PARK CONCERT SERIES THROUGH DECEMBER 31, 2023 (2023-715)

C.4. APPEAL: LSD-2023-0004: (SOUTH OF N. SHILOH DR/THE JUNCTION AT SHILOH, 363):

A RESOLUTION TO GRANT THE APPEAL OF CITY COUNCIL MEMBER TERESA TURK AND DENY LARGE SCALE DEVELOPMENT APPLICATION LSD-2023-004 (2023-708)

C.5. REZONE-2023-0010: (1746 N. OLD WIRE ROAD. / PERRY, 369):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN-2023-010 LOCATED AT 1746 NORTH OLD WIRE ROAD IN WARD 3 FOR APPROXIMATELY 1.06 ACRES FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION (2023-711)

C.6. REZONE-2023-0011: (239 & 245 N. FLETCHER AVE/HAMBRICE, 485):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN-2023-011 LOCATED AT 239 AND 245 NORTH FLETCHER AVENUE IN WARD 1 FOR APPROXIMATELY 0.20 ACRES FROM RMF-24, RESIDENTIAL MULTI-FAMILY, TWENTY-FOUR UNITS PER ACRE TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN (2023-709)

C.7. SHORT TERM RENTAL BUSINESS LICENSE COMPLIANCE:

A RESOLUTION TO AUTHORIZE AND REQUEST THAT MAYOR JORDAN CONTRACT WITH A COMPANY TO INVESTIGATE AND REPORT BACK TO THE CITY INFORMATION ABOUT SHORT-TERM RENTAL OPERATIONS THAT DO NOT HAVE VALID BUSINESS LICENSES AND TO APPROVE AN APPROPRIATE BUDGET ADJUSTMENT TO PAY FOR THE CONTRACT (2023-739)

C.8. AMEND CITY COUNCIL RULES OF ORDER & PROCEDURE - PUBLIC COMMENT:

A RESOLUTION TO AMEND RULE A.7. D. (2) PUBLIC COMMENTS TO REDUCE THE ALLOWED SPEAKING TIME FOR THE PUBLIC FROM 5 MINUTES TO 3 MINUTES AND TO REMOVE ANY REQUIREMENT FOR SPEAKERS HAVING TO SIGN UP BEFORE THE ITEM IS OPENED FOR PUBLIC COMMENT (2023-751)

D. CITY COUNCIL AGENDA SESSION PRESENTATIONS**D.1. CITYWIDE HERITAGE & HISTORIC PRESERVATION PLAN - BRITIN BOSTICK (2023-534)****E. CITY COUNCIL TOUR****E.1. TOUR OF PROPERTY THAT IS SUBJECT OF AGENDA ITEM 2023-708**

DATE: MAY 12, 2023

TIME: 4:30 PM

ADDRESS: UNADDRESSED; SOUTH AND WEST OF 1936 N. SHILOH DRIVE

PARKING: PARKING IS AVAILABLE OFF-STREET BEYOND THE DEAD END OF SHILOH DRIVE

REQUEST: APPEAL FROM THE PLANNING COMMISSION'S APPROVAL OF LARGE SCALE DEVELOPMENT APPROVAL FOR THE JUNCTION AT SHILOH (2023-756)

F. ANNOUNCEMENTS**G. ADJOURNMENT****NOTICE TO MEMBERS OF THE AUDIENCE**

All interested persons may appear and address the City Council on Unfinished Business, New Business, and Public Hearings at City Council meetings. If you wish to address the City Council on an agenda item, please wait for the Mayor or Chair to request public comment. When the Mayor or Chair recognizes you, please start your public comment by giving your name and address. Comments are to be addressed to the Mayor or Chair. The Mayor or Chair will direct your comments to the appropriate elected officials, staff, or others for response. Keep your comments respectful, brief, to the point, and relevant to the agenda item being considered. Each speaker from the public will be allowed one turn to speak for discussion of an agenda item.

Below is a portion of the Rules of Order and Procedure of the Fayetteville City Council pertaining to City Council meetings:

Agenda Additions: A new item which is requested to be added to the agenda at a City Council meeting should only be considered if it requires immediate City Council consideration and if the normal agenda setting process is not practical. The City Council may only place such new item on the City Council meeting's agenda by suspending the rules by two-thirds vote. Such agenda addition shall be heard prior to the Consent Agenda.

Consent Agenda: Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If a Council Member wishes to comment upon or discuss a Consent Agenda item that item shall be removed and considered immediately after the Consent Agenda has been voted upon.

Unfinished Business and New Business:

Overview Period: Agenda items at a City Council meeting shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by a Council Member later to answer questions. City staff, Council Members and applicants may use electronic visual aids in the City Council meeting as part of the presentation of the agenda item. City staff's presentation and an Applicant's presentation whether presented by one or more than one presenter shall each be limited to a maximum of ten (10) minutes unless the City Council by unanimous consent or majority vote allows additional time.

Public Comments: Public comment at a City Council meeting 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. Speakers shall be limited to a maximum of five (5) minutes to discuss the agenda item being considered by the City Council. 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 (3) minutes. The City Council may allow both a speaker additional time and an unsigned-up person to speak by unanimous consent or majority vote. As part of a person's public comments allowed above, the speaker may use electronic visual aids during their five (5) minutes presentation period concerning the agenda item being considered by the City Council.

Courtesy and Respect: All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from comments that are harassing or amount to a personal attack against any identifiable individual including abusive comments and derogatory remarks about integrity or offer any other comments that are also not limited to the discussion of the specific agenda item being considered by the City Council. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

Interpreters or Telecommunications Devise for the Deaf (TDD), for hearing impaired are available for all City Council meetings, a 72-hour advance notice is required. For further information or to request an interpreter, please call 479-575-8330.

A copy of the complete City Council agenda is available on our website at www.fayetteville-ar.gov or in the Office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas (479) 575-8323.

All cell phones must be silenced and may not be used within the City Council Chambers.