

# **City of Fayetteville, Arkansas**

*113 West Mountain Street*

*Fayetteville, AR 72701*

*(479) 575-8323*



## **City Council Final Agenda**

**Tuesday, May 21, 2024**

**5:30 PM**

**City Hall Room 219**

### **City Council Members**

***Council Member Robert B. Stafford 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***

**MEETING INFORMATION:**

1. **WEBINAR ID: 893 3620 0761**  
**PUBLIC REGISTRATION LINK: [HTTPS://US06WEB.ZOOM.US/WEBINAR/REGISTER/WN\\_EHID\\_WBES-UMBYE1TKHR1W](https://us06web.zoom.us/join/89336200761)**

**AGENDA ITEM COMMENT - [AGENDAITEMCOMMENT@FAYETTEVILLE-AR.GOV](mailto:AGENDAITEMCOMMENT@FAYETTEVILLE-AR.GOV)**

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**MAYOR' S ANNOUNCEMENTS, PROCLAMATIONS AND RECOGNITIONS**

**CITY COUNCIL MEETING PRESENTATIONS, REPORTS AND DISCUSSION ITEMS**

**PROPOSED AGENDA ADDITIONS**

**A. CONSENT**

**A.1. HWY 112 CONDEMNATION (IV GENERATION PROPERTIES):**

A RESOLUTION TO AUTHORIZE THE CITY ATTORNEY TO SEEK CONDEMNATION AND POSSESSION OF CERTAIN LANDS OWNED BY IV GENERATION PROPERTIES, LLC NEEDED FOR THE HIGHWAY 112 (GARLAND AVENUE) WIDENING PROJECT (2024-70)

**A.2. HWY 112 CONDEMNATION (OSMENT INVESTMENTS):**

A RESOLUTION TO AUTHORIZE THE CITY ATTORNEY TO SEEK CONDEMNATION AND POSSESSION OF CERTAIN LANDS OWNED BY OSMENT INVESTMENTS, LLC; DUNN & DAVIS TOWNHOMES, LLC; AND MAE HOLDINGS, LLC NEEDED FOR THE HIGHWAY 112 (GARLAND AVENUE) WIDENING PROJECT (2024-71)

**A.3. ARKANSAS DIVISION OF AERONAUTICS (GRANT APPLICATION):**

A RESOLUTION TO AUTHORIZE AN APPLICATION FOR AN ARKANSAS DIVISION OF AERONAUTICS GRANT TO FUND 80% OF PROJECT COSTS FOR A PROPOSED HANGAR INFRASTRUCTURE IMPROVEMENTS PROJECT AT DRAKE FIELD (2024-95)

**A.4. WATER TECHNOLOGY, INC. (SERVICE CONTRACT):**

A RESOLUTION TO AUTHORIZE A CONTRACT WITH WATER TECHNOLOGY, INC. IN AN AMOUNT NOT TO EXCEED \$151,591.00, PURSUANT TO RFQ 24-01, FOR CONSULTING SERVICES TO DEVELOP AN AQUATIC FEASIBILITY STUDY, TO APPROVE A PROJECT CONTINGENCY OF \$5,000.00, AND TO APPROVE A BUDGET ADJUSTMENT (2024-52)

**A.5. WATER & SEWER STREET CUTS (BUDGET ADJUSTMENT):**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT TRANSFERRING ADDITIONAL FUNDS INTO THE WATER & SEWER OPERATIONS BUDGET TO COVER THE COSTS OF STREET CUTS FOR THE REMAINDER OF 2024 (2024-63)

**A.6. POLICE IMPACT FEES (BUDGET ADJUSTMENT):**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$73,395.00 RECOGNIZING POLICE IMPACT FEES COLLECTED THROUGH MARCH 2024 FOR THE EXPANSION OF POLICE DEPARTMENT OPERATIONS TO THE ENTERTAINMENT DISTRICT POLICE SUBSTATION (2024-19)

**A.7. TEMPORARY POSITION REQUEST (SHORT-TERM RENTAL ENFORCEMENT):**

A RESOLUTION TO AUTHORIZE THE ADDITION OF A TEMPORARY SHORT-TERM RENTAL CLERK POSITION IN THE DEVELOPMENT SERVICES DEPARTMENT FOR A TERM OF SIX MONTHS FOR PROACTIVE SHORT-TERM RENTAL ENFORCEMENT (2024-94)

**B. UNFINISHED BUSINESS**

**B.1. VACATION-2024-0006: (151 W. DICKSON ST./151 DICKSON DEVELOPMENT, 484):**

AN ORDINANCE TO APPROVE VAC-24-006 FOR PROPERTY LOCATED AT 151 WEST DICKSON STREET IN WARD 2 TO VACATE A 273 SQUARE FEET PORTION OF ACCESS EASEMENT (2024-6)

AT THE MAY 7, 2024 CITY COUNCIL MEETING THIS ITEM WAS LEFT ON THE SECOND READING.

**B.2. REZONING-2024-0011: (VARIOUS EXPIRED PZD LOCATIONS/ EXPIRED PZDS, PP VARIES):**

AN ORDINANCE TO REZONE THE PROPERTIES DESCRIBED IN REZONING PETITION RZN 2024-0011 FOR APPROXIMATELY 90.65 ACRES LOCATED IN WARDS 1, 2, AND 4 FROM PLANNED ZONING DISTRICTS TO VARIOUS STANDARD ZONING DISTRICTS (2024-26)

AT THE MAY 7, 2024 CITY COUNCIL MEETING THIS ITEM WAS LEFT ON THE FIRST READING.

## **C. NEW BUSINESS**

### **C.1. INTENT TO ENACT STORMWATER UTILITY FEE (RESOLUTION OF INTENT):**

A RESOLUTION OF INTENT TO ENACT A STORMWATER UTILITY ORDINANCE AND ESTABLISH A STORMWATER MANAGEMENT AND WATER QUALITY FUND, AUTHORIZE ADDITIONAL SERVICES RELATED TO IMPLEMENTATION AND PUBLIC OUTREACH, AND TO APPROVE A BUDGET ADJUSTMENT (2024-1836)

### **C.2. ADMINISTRATIVE-2024-0019: (AMEND UDC CHAPTERS 166.04):**

AN ORDINANCE TO AMEND §166.04(B)(4)(L) PARKLAND DEDICATION OF THE UNIFIED DEVELOPMENT CODE TO MODIFY THE APPLICABILITY SECTION FOR PARKLAND DEDICATION REQUIREMENTS (2024-56)

### **C.3. VACATION-2024-0007: (EAST OF 1074 E. SAIN ST/TRAILS ON THE CREEK, 174):**

AN ORDINANCE TO APPROVE VAC-24-07 FOR PROPERTY LOCATED EAST OF 1074 EAST SAIN STREET IN WARD 3 TO VACATE A 0.076 ACRE PORTION OF DRAINAGE EASEMENT (2024-62)

### **C.4. REZONING-2024-0015: (4600 E. HUNTSVILLE RD./STONE STREET RENTALS LLC., 565):**

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-15 FOR APPROXIMATELY 1.94 ACRES LOCATED AT 4600 EAST HUNTSVILLE ROAD IN WARD 1 FROM R-A, RESIDENTIAL AGRICULTURAL TO RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE (2024-58)

### **C.5. REZONING-2024-0016: (2460 N. OLD WIRE RD./FAYETTEVILLE NATURE SCHOOL, 292):**

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-16 FOR APPROXIMATELY 1.95 ACRES LOCATED AT 2640 NORTH OLD WIRE ROAD IN WARD 3 FROM CPZD, COMMERCIAL PLANNED ZONING DISTRICT TO P-1, INSTITUTIONAL (2024-59)

### **C.6. REZONING-2024-0017: (512 N. MISSION BLVD./ZWEIG, 446):**

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-17 FOR APPROXIMATELY 0.90 ACRES LOCATED AT 512 NORTH MISSION BOULEVARD WARD 1 FROM RSF-4, RESIDENTIAL

SINGLE-FAMILY, FOUR UNITS PER ACRE TO NS-G, NEIGHBORHOOD SERVICES - GENERAL (2024-60)

**C.7. REZONING-2024-0018: (SOUTHWEST OF W. TREADWELL ST. AND S. HILL AVE./SUBTEXT ACQUISITIONS, LLC. AND MODUS STUDIO, 522):**

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-18 FOR APPROXIMATELY 2.9 ACRES LOCATED SOUTHWEST OF WEST TREADWELL STREET AND SOUTH HILL AVENUE IN WARD 2 FROM RMF-40, RESIDENTIAL MULTIFAMILY, 40 UNITS PER ACRE TO MSC, MAIN STREET CENTER, SUBJECT TO A BILL OF ASSURANCE (2024-57)

**C.8. INTENT TO APPROVE EXTENSION OF WATER & SEWER SERVICE (RESOLUTION OF INTENT):**

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S INTENTION TO APPROVE AN EXTENSION OF WATER AND SEWER SERVICE TO A PROPOSED DEVELOPMENT OUTSIDE OF THE CITY LIMITS AT 1011 SOUTH MALLY WAGNON ROAD AT THE OWNER/DEVELOPER'S EXPENSE (2024-98)

**C.9. REQUEST TO APPROPRIATE FUNDS - TO FUND THE HOUSING CRISIS TASK FORCE:**

A RESOLUTION TO APPROPRIATE \$1,000,000.00 IN GENERAL FUND REVENUE RECEIVED AS ARPA GENERAL REVENUE LOSS TO FUND THE HOUSING CRISIS TASK FORCE EARLY RECOMMENDATIONS IN RESPONSE TO THE DECLARED HOUSING CRISIS (2024-69)

**C.10. AMEND 157.03 (NOTIFICATION REQUIREMENTS):**

AN ORDINANCE TO AMEND § 157.03 ANNEXATIONS, ZONING MAP AMENDMENTS, AND REZONINGS OF THE UNIFIED DEVELOPMENT CODE TO REQUIRE APPLICANTS TO NOTIFY RESIDENTS OF PROPERTY PROPOSED FOR ANNEXATION OR REZONING, AND TO DECLARE AN EMERGENCY (2024-100)

**D. CITY COUNCIL AGENDA SESSION PRESENTATIONS**

**E. CITY COUNCIL TOUR**

**E.1. TOUR DATE: MAY 20, 2024**

**TIME: 4:00 PM**

**ADDRESS: THE BLOCK WITHIN HILL, PUTNAM, DUNCAN, AND TREADWELL**

**PARKING: MID-BLOCK, ON W. PUTNAM BETWEEN S. HILL AND S. DUNCAN, IN THE EMPTY LOT (SEE ATTACHED)**

**REQUEST: REZONE THE PROPERTY FROM RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE TO MSC, MAIN STREET/CENTER, SUBJECT TO A BILL OF ASSURANCE (SEE ATTACHED).**

## **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. Speakers shall be limited to a maximum of three (3) 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 three (3) 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 Device 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](http://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.