

# **City of Fayetteville, Arkansas**

*113 West Mountain Street*

*Fayetteville, AR 72701*

*(479) 575-8323*



## **City Council Final Agenda**

**Tuesday, November 19, 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: 862 5573 0758**  
[PUBLIC REGISTRATION LINK: HTTPS://US06WEB.ZOOM.US/WEBINAR/REGISTER/WN\\_NTFBLD9R9WUOGLJ292QWIA](https://us06web.zoom.us/j/86255730758)  
[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. APPROVAL OF THE OCTOBER 15, 2024 CITY COUNCIL MEETING MINUTES**

**A.2. TOMMIE FLOWERS DAVIS (COST SHARE AGREEMENT):**

A RESOLUTION TO APPROVE A COST SHARE AGREEMENT WITH TOMMIE FLOWERS DAVIS IN AN AMOUNT NOT TO EXCEED \$11,712.50 FOR A WATERLINE COST SHARE NEAR THE CORNER OF EAST ROCK STREET AND SOUTH WILLOW AVENUE, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$2,342.50 (2024-742)

**A.3. CLIMATE POLLUTION REDUCTION GRANT (SUB AWARD GRANT AGREEMENT):**

A RESOLUTION TO AUTHORIZE THE CITY OF FAYETTEVILLE TO ACCEPT AND ENTER INTO A SUB AWARD GRANT AGREEMENT WITH THE ARKANSAS TRI-REGION ENERGY AND ENVIRONMENT INNOVATION COALITION TO UTILIZE SUB AWARDED FUNDS FOR EPA CLIMATE POLLUTION REDUCTION GRANT PROJECT IMPLEMENTATION; AND FOR OTHER PURPOSES (2024-724)

**A.4. CITY-WIDE USING CORPORATE ACCOUNTS (EXPENDITURE AUTHORIZATIONS):**

A RESOLUTION TO AUTHORIZE TOTAL EXPENDITURES IN EXCESS OF

\$35,000.00 FOR MAINTENANCE, REPAIR, AND OPERATIONS SUPPLIES AND COMMODITIES ACROSS ALL DEPARTMENTS CITY-WIDE USING CORPORATE ACCOUNTS WITH PURCHASING COOPERATIVES OR STATE CONTRACTS FOR THE FISCAL YEAR WITHIN THE APPROVED BUDGET (2024-702)

**A.5. RECYCLE COACH (SERVICE AGREEMENT):**

A RESOLUTION TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE THE MAYOR TO SIGN A SOFTWARE AS A SERVICE AGREEMENT WITH MUNICIPAL MEDIA CORPORATION D/B/A RECYCLE COACH AT A COST OF \$52,985.00 FOR A PERIOD OF THREE YEARS (2024-713)

**A.6. REDBOX+ DUMPSTERS (SERVICE AGREEMENT):**

A RESOLUTION TO APPROVE AN AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE AND ONSTOTT, LLC D/B/A REDBOX+ DUMPSTERS OF NORTHWEST ARKANSAS TO HAUL AND DISPOSE OF SOLID WASTE WITHIN THE CITY (2024-663)

**A.7. 2024 CITY SALES AND USE TAX BONDS (BUDGET APPROPRIATION):**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$15,000,000.00 TO APPROPRIATE PROCEEDS FROM THE 2024 CITY SALES AND USE TAX BONDS (2024-708)

**A.8. CHILDCARE ASSISTANCE PROGRAM (ARPA FUNDING REALLOCATION):**

A RESOLUTION TO COMMIT \$20,665.00 IN ACCRUED INTEREST ON THE AMERICAN RESCUE PLAN ACT FUNDS TO THE CHILDCARE ASSISTANCE PROGRAM, AND TO APPROVE A BUDGET ADJUSTMENT (2024-718)

**B. UNFINISHED BUSINESS**

**B.1. 920 W. ELM ST. (RAZE AND REMOVAL):**

RESOLUTION TO ORDER THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE ON PROPERTY OWNED BY RAZORBACK HOUSING LLC; C/O DAVID BIRD LOCATED AT 920 WEST ELM STREET IN THE CITY OF FAYETTEVILLE, ARKANSAS; AND TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$39,000.00 (2024-487)

AT THE SEPTEMBER 17, 2024 CITY COUNCIL MEETING THIS RESOLUTION WAS TABLED TO THE NOVEMBER 19, 2024 CITY COUNCIL MEETING.

**B.2. ORDINANCE TO AMEND § 161.36 URBAN CORRIDOR (ENACTING USE UNIT 38 MINI-STORAGE UNITS AS A CONDITIONAL USE):**

AN ORDINANCE TO AMEND § 161.36 URBAN CORRIDOR BY ENACTING

USE UNIT 38 MINI-STORAGE UNITS AS A CONDITIONAL USE FOR URBAN CORRIDOR IN SECTION (B) (2) (2024-614)

AT THE OCTOBER 15, 2024 CITY COUNCIL MEETING THIS ORDINANCE WAS LEFT ON THE FIRST READING.

AT THE NOVEMBER 7, 2024 CITY COUNCIL MEETING THIS ORDINANCE WAS LEFT ON THE SECOND READING.

**B.3. REZONING-2024-0049: (1893 N. RUPPLE RD./CONRAD, 361):**

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-49 FOR APPROXIMATELY 1.04 ACRES LOCATED AT 1893 NORTH RUPPLE ROAD IN WARD 4 FROM RSF-1, RESIDENTIAL SINGLE-FAMILY, ONE UNIT PER ACRE TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN (2024-659)

AT THE NOVEMBER 12, 2024 SPECIAL CITY COUNCIL MEETING THIS ORDINANCE WAS LEFT ON THE SECOND READING.

**C. NEW BUSINESS**

**C.1. CHAPTER 10.99 GENERAL PENALTY (AMENDMENT):**

AN ORDINANCE TO AMEND § 10.99 GENERAL PENALTY OF THE CODE OF FAYETTEVILLE TO REPEAL (B)(3) AND AMEND (C) WORKING OUT OF FINES (2024-701)

**C.2. 887 S. LT. COLONEL LEROY POND AVE. (PUBLIC NUISANCE LAWSUIT AUTHORIZATION):**

A RESOLUTION TO AUTHORIZE THE CITY ATTORNEY'S OFFICE TO FILE A PUBLIC NUISANCE LAWSUIT AGAINST THE OWNERS OF PROPERTY LOCATED AT 887 SOUTH LIEUTENANT COLONEL LEROY POND AVENUE IN THE CITY OF FAYETTEVILLE (2024-717)

**C.3. 2025 ANNUAL BUDGET & WORK PROGRAM (ADOPTION):**

A RESOLUTION TO ADOPT THE 2025 ANNUAL BUDGET AND WORK PROGRAM (2024-662)

**C.4. SEVEN HILLS HOMELESS CENTER (ARPA REALLOCATION):**

A RESOLUTION TO COMMIT ARPA FUNDS IN THE AMOUNT OF \$71,411.00 TO THE SEVEN HILLS HOMELESS CENTER, AND TO APPROVE A BUDGET ADJUSTMENT (2024-722)

**C.5. VACATION-2024-0021: (2975 W OLD FARMINGTON RD./CORTER, 558):**

AN ORDINANCE TO APPROVE VAC-24-21 FOR PROPERTY LOCATED AT 2975 WEST OLD FARMINGTON ROAD IN WARD 1 TO VACATE 0.10 ACRES OF GENERAL UTILITY EASEMENT (2024-707)

**C.6. VACATION-2024-0024: (2716 N. FLORAL CT./CARTER, 286):**

AN ORDINANCE TO APPROVE VAC-24-24 FOR PROPERTY LOCATED AT 2716 NORTH FLORAL COURT IN WARD 2 TO VACATE 0.01 ACRES OF UTILITY EASEMENT (2024-721)

**C.7. REZONING-2024-0047: (653 N. GENEVIEVE AVE./FINELINE DEVELOPMENT LLC, 436):**

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-47 FOR APPROXIMATELY 1.60 ACRES LOCATED AT 653 NORTH GENEVIEVE AVENUE IN WARD 4 FROM R-A, RESIDENTIAL AGRICULTURAL TO RMF-6, RESIDENTIAL MULTI-FAMILY, SIX UNITS PER ACRE, SUBJECT TO A BILL OF ASSURANCE (2024-706)

**C.8. REZONING-2024-0050: (610 S. HAPPY HOLLOW RD./HONEYCUTT, 526):**

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-50 FOR APPROXIMATELY 1.41 ACRES LOCATED AT 610 SOUTH HAPPY HOLLOW ROAD IN WARD 1 FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE TO RSF-18, RESIDENTIAL SINGLE-FAMILY, EIGHTEEN UNITS PER ACRE (2024-704)

**C.9. REZONING-2024-0051: (W. MARTIN LUTHER KING JR. BLVD AND S. SMOKEHOUSE TRL./D&B OF NORTHWEST ARKANSAS LLC, 595):**

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-51 FOR APPROXIMATELY 4.49 ACRES LOCATED SOUTHEAST OF THE INTERSECTION OF WEST MARTIN LUTHER KING JR. BOULEVARD AND SOUTH SMOKEHOUSE TRAIL IN WARD 1 FROM RPZD, RESIDENTIAL PLANNED ZONING DISTRICT TO CS, COMMUNITY SERVICES (2024-705)

**C.10. REZONING-2024-0052: (2406 N. OLD WIRE RD./GULLEY PARK PETS CLINIC, 292):**

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-52 FOR APPROXIMATELY 0.50 ACRES LOCATED AT 2406 NORTH OLD WIRE ROAD IN WARD 3 FROM CPZD, COMMERCIAL PLANNED ZONING DISTRICT TO NS-G, NEIGHBORHOOD SERVICES-GENERAL (2024-703)

**C.11. ANNEX-2024-0001: (N. RUPPLE RD. & W. SALEM RD./FOXTAIL MEADOWS, 205):**

AN ORDINANCE TO ANNEX THAT PROPERTY DESCRIBED IN ANNEXATION PETITION ANX 24-001 SUBMITTED BY FLINTLOCK LTD CO. FOR PROPERTY LOCATED ON NORTH RUPPLE ROAD AND WEST SALEM ROAD NORTHWEST OF WARD 4 CONTAINING APPROXIMATELY 7.90 ACRES (2024-719)

**C.12. APPEAL: PLANNED ZONING DISTRICT-2024-0005: (N. RUPPLE RD. & W. SALEM RD./FOXTAIL MEADOWS, 205):**

AN ORDINANCE TO APPROVE A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED PZD-2024-005 FOR APPROXIMATELY 44.0 ACRES LOCATED ON NORTH RUPPLE ROAD AND WEST SALEM ROAD IN WARD 4 (2024-720)

**D. CITY COUNCIL AGENDA SESSION PRESENTATIONS**

**E. CITY COUNCIL TOUR**

**E.1. TOUR DATE: NOVEMBER 18TH, 2024  
TIME: 4:00 PM  
ADDRESS: 3395 N. RUPPLE RD.  
PARKING: ALONG THE DRIVEWAY OF 3395 N. RUPPLE RD.  
REQUEST: ANNEXATION OF 7.90 AC. AND PLANNED ZONING DISTRICT THAT ENCOMPASSES THIS ALONG WITH AN ADDITIONAL 36 ACRES**

**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, appellant from a final decision of the Planning Commission or City Staff, 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 on all items of unfinished and new business and subjects of public hearings. Amendments may receive public comments only if approved by the City Council by unanimous consent or majority vote. Speakers present in the City Council Chambers shall be recognized before speakers participating by electronic means. Speakers shall be limited to a maximum of three (3) minutes to discuss the agenda item or amendment being considered by the City Council. The City Council may allow a speaker additional time 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.

Cell Phones and Pagers: Cell phones must be turned off or put in silent mode and not used within the City Council Chambers during City Council meetings. Pagers must be turned off or put in silent mode within the City Council Chambers during City Council meetings. These restrictions also apply during Agenda Sessions.

Smoking Prohibited: There will be no smoking allowed in the City Council Chambers during City Council meetings.

Virtual City Council Meetings Authorized: After proper notice has been provided to the public, City Council Members are authorized to assemble, gather, meet, and conduct open public meetings (including speaking, voting and passing ordinances and resolutions) through appropriate electronic means which ensure the public's right to attend by being able to listen to the proceedings and discussions. These open public meetings include City Council meetings and agenda sessions as well as City Council Member Committee meetings.

Interpreters or Telecommunications Devices 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.