

**AGENDA REQUEST FORM**

**FOR: Council Meeting of February 15, 2022**

---

---

**FROM: Council Member Sonia Harvey**

---

---

**ORDINANCE OR RESOLUTION TITLE AND SUBJECT:**

A RESOLUTION TO WAIVE DEVELOPMENT PERMIT FEES FOR HABITAT FOR HUMANITY'S PROPOSED HOUSES IN SOUTH FAYETTEVILLE

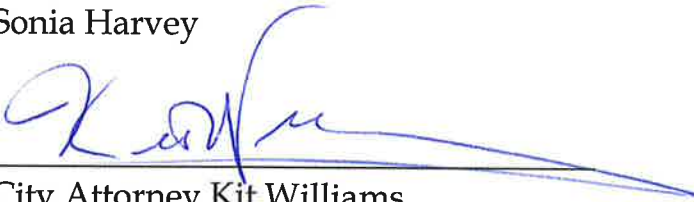
---

---

**APPROVED FOR AGENDA:**

Approval by attached email  
**City Council Member**  
Sonia Harvey

2-11-22  
Date

  
**City Attorney Kit Williams**  
Approved as to form

February 11, 2022  
Date

## Williams, Kit

---

**From:** Harvey, Sonia  
**Sent:** Friday, February 11, 2022 2:35 PM  
**To:** Batker, Jodi; Williams, Kit  
**Subject:** Re: Habitat for Humanity project

Looks good. Thank you. Approved.

Sonia Harvey  
Fayetteville City Council Member  
Ward 1, Position 1  
(479) 409-5064

Report a concern:  
<http://www.fayetteville-ar.gov/1782/Report-a-Concern>  
Speak up on City projects:  
<https://speakup.fayetteville-ar.gov/>

---

**From:** Batker, Jodi <jbatker@fayetteville-ar.gov>  
**Sent:** Friday, February 11, 2022 2:33:14 PM  
**To:** Harvey, Sonia <sonia.harvey@fayetteville-ar.gov>; Williams, Kit <kwilliams@fayetteville-ar.gov>  
**Subject:** RE: Habitat for Humanity project

Sonia, please find attached the Agenda Request for your review and approval.

Thank you.

**Jodi Batker**  
Paralegal  
113 W. Mountain St., Suite 302  
Fayetteville, Arkansas 72701  
Telephone: (479) 575-8313  
[jbatker@fayetteville-ar.gov](mailto:jbatker@fayetteville-ar.gov)



OFFICE OF THE  
CITY ATTORNEY



[Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)

---

**From:** Harvey, Sonia  
**Sent:** Friday, February 11, 2022 1:07 PM  
**To:** Williams, Kit <kwilliams@fayetteville-ar.gov>  
**Cc:** Batker, Jodi <jbatker@fayetteville-ar.gov>  
**Subject:** Re: Habitat for Humanity project

Sounds great, thank you!

Sonia Harvey  
Fayetteville City Council Member  
Ward 1, Position 1  
(479) 409-5064

Report a concern:

<http://www.fayetteville-ar.gov/1782/Report-a-Concern>

Speak up on City projects:

<https://speakup.fayetteville-ar.gov/>

---

**From:** Williams, Kit <[kwilliams@fayetteville-ar.gov](mailto:kwilliams@fayetteville-ar.gov)>  
**Sent:** Friday, February 11, 2022 12:53:41 PM  
**To:** Harvey, Sonia <[sonia.harvey@fayetteville-ar.gov](mailto:sonia.harvey@fayetteville-ar.gov)>  
**Cc:** Batker, Jodi <[jbatker@fayetteville-ar.gov](mailto:jbatker@fayetteville-ar.gov)>  
**Subject:** RE: Habitat for Humanity project

Sonia,  
Thanks. I will finish my memo and get it into Legistar. Jodi should send you an Agenda request form. You can acknowledge your approval by email to us.  
Kit

---

**From:** Harvey, Sonia  
**Sent:** Friday, February 11, 2022 9:28 AM  
**To:** Williams, Kit <[kwilliams@fayetteville-ar.gov](mailto:kwilliams@fayetteville-ar.gov)>  
**Subject:** Re: Habitat for Humanity project

Beautiful. Yes! Love it! Let's move forward.

Sonia Harvey  
Fayetteville City Council Member  
Ward 1, Position 1  
(479) 409-5064

Report a concern:

<http://www.fayetteville-ar.gov/1782/Report-a-Concern>

Speak up on City projects:

<https://speakup.fayetteville-ar.gov/>

---

**From:** Williams, Kit <[kwilliams@fayetteville-ar.gov](mailto:kwilliams@fayetteville-ar.gov)>  
**Sent:** Thursday, February 10, 2022 5:35:01 PM  
**To:** Harvey, Sonia <[sonia.harvey@fayetteville-ar.gov](mailto:sonia.harvey@fayetteville-ar.gov)>  
**Subject:** Habitat for Humanity project

Sonia,  
Here is a draft of a possible resolution which would waive development review permit fees for Habitat for Humanity's current project. This could be amended later to include recommending that the City actually build the required infrastructure such as water and sewer mains, curbs, gutters and sidewalks and the widening of the street to fire safety widths.

The city is trying to determine what the costs will likely be to extend the mains under the old Highway 71 in this location. The Street is very wide there and there could be so much rock that boring under the street would be cost prohibitive. The City will need to investigate this whole situation to ensure we are doing what is best for our citizens.

If this draft is okay, we can get it started into Legistar tomorrow. Please let me know of any changes that would be advisable, and I will make them.

Kit



OFFICE OF THE  
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams  
City Attorney

Blake Pennington  
Assistant City Attorney

Jodi Batker  
Paralegal

TO: Mayor Jordan  
City Council

CC: Susan Norton, Chief of Staff  
Paul Becker, Chief Financial Officer  
Jonathan Curth, Development Services Director

FROM: Kit Williams, City Attorney

DATE: February 11, 2022

RE: Waiving development fees for Habitat for Humanity proposed development

The Fayetteville City Council has long supported and done what is constitutionally permissible to help Habitat for Humanity's efforts to assist hard-working and needy families obtain modest, but quality single family houses. One legal assistance would be the waiving of development permit fees which are charged to partly offset the City's costs of analyzing and administering the development review process.

The City Council may waive these by Resolution if the City Council determines such waiver "would serve the public interest, alleviate an unfair burden upon the applicant, or be beneficial to the city as a whole..." Council Member Sonia Harvey has requested that I draft the appropriate Resolution for her to sponsor to help Habitat for Humanity goal of increasing affordable housing for families in Fayetteville. This Resolution is now being presented to the City Council for consideration.

The City Council through the Unified Development Fee has already authorized City Staff to exempt Habitat for Humanity's housing from building permit fees. U. D. C. § 156.01 (f)(ii). Our Water, Wastewater, Fire, and Police Impact fees all also contain waiver provisions for non-profit groups such as Habitat for Humanity endeavoring to construct and provide its very low cost, decent houses to hard-working, but needy families.

Another issue is this proposed development is the needed construction of water (and maybe wastewater) mains to the proposed site of the eight new, single family houses. The City can cost share or even pay the whole of main construction which will be city property. The City could also assist by widening the currently too narrow street and even install curbs, gutters and sidewalks along the frontage of the proposed houses as all this infrastructure will become City property.

Normally, developers should and do pay to construct this infrastructure that is necessary for the proper infrastructure and services to be provided to persons in these new houses. Cities may not constitutionally appropriate tax dollars for individuals (Article 12 §5 of the *Arkansas Constitution*) even to assist worthy charities. However, cities are certainly empowered to build their own infrastructure: water and sewer mains, streets, sidewalks, etc.

Whether and how much the City Council believes that the City should invest to extend our water and sewer mains, widen the City street, build gutters, curbs and sidewalks in the frontage of this project would be in addition to waiving building and development permit fees.

**RESOLUTION NO.** \_\_\_\_\_

**A RESOLUTION TO WAIVE DEVELOPMENT PERMIT FEES FOR HABITAT FOR HUMANITY’S PROPOSED HOUSES IN SOUTH FAYETTEVILLE**

**WHEREAS**, the *Unified Development Code* authorizes a City Council member to “present a resolution to the City Council to waive or reduce development permit fees (to) ... serve the public interest ... or be beneficial to the city as a whole” §159.01 (A) of the *Unified Development Code*; and

**WHEREAS**, assisting Habitat for Humanity’s currently proposed project to build about 8 houses with the sweat equity of their new owners and volunteer efforts could provide valuable and very affordable and attainable permanent housing for several Fayetteville families; and

**WHEREAS**, building permit fees for “non-profit services organizations such as Habitat for Humanity .. shall be exempted from payment of building permit fees.” §159.01 (f)(ii).

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1: That the City Council of the City of Fayetteville, Arkansas determines that waiving all development review permit fees related to Habitat for Humanity’s proposed project to build several houses in south Fayetteville is in the public interest and beneficial to Fayetteville as a whole to assist in the creation of several much needed affordable houses for our citizens and families.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby waives all development permit fees for Habitat for Humanity’s proposed project as authorized by §159.01 (A) of the *Unified Development Code*.

**PASSED** and **APPROVED** this 15<sup>th</sup> day of February, 2022.

APPROVED:

ATTEST:

By: \_\_\_\_\_  
**LIONELD JORDAN**, Mayor

By: \_\_\_\_\_  
**KARA PAXTON**, City Clerk/Treasurer

**CHAPTER 159: FEES**

**Sections:**

- 159.01 Fees/Schedule
- 159.02 Water And Wastewater Impact Fees
- 159.03 Police And Public Safety Impact Fees
- 159.04 Fire Protection System Impact Fees
- 159.05—159.99 Reserved

**159.01 Fees/Schedule**

- (A) *Fees.* Fees shall be imposed, as set forth below, to cover a portion of the cost of public notices and such other expenses as may be incurred in connection with processing of applications, plan reviews, amendments, permits, variances and other matters pertaining to the UDC.

An alderman may present a resolution to the City Council to waive or reduce development permit fees otherwise required by this chapter or elsewhere within the Unified Development Code, where it is permitted. If the reduction or waiver would serve the public interest, alleviate an unfair burden upon an applicant, or be beneficial to the city as a whole, the City Council may grant such reduction or waiver of permit fee.

- (B) *Fee schedule.*

- (1) *General.* Unless specific fees are otherwise adopted by the City Council, the following schedule of fees is established.
- (2) *Signs.*
  - (a) *Signs.* \$25.00 for each sign.
  - (b) *Windblown signs.* \$10.00.
  - (c) *Sign variance.* Filing fee: \$25.00
- (3) *Development.* The following application fees are due for each of the following development review submittals:
  - (a) All concept plats. \$50.00
  - (b) Lot splits or property line adjustments. \$200.00
  - (c) Subsequent technical plat reviews for tabled items, after initial fee in item (d) below. \$200.00
  - (d) All Other Plat Reviews (Concurrent, Preliminary And Final):

Nonresidential	\$800.00
10 or less residential units	\$200.00
25 or less residential units	\$400.00
26 or more residential units	\$800.00



- (f) *Exemptions from Permit Fees.*
- (i) *Historical Buildings.*
    - (a) Buildings identified and classified as historical buildings or structures by state or local jurisdiction shall be exempt from permit fees.
    - (b) The Mayor may exempt all or part of the applicable permit fees for buildings that can be proven to be more than fifty (50) years old. This exemption shall apply only to owner-occupied, single-family dwellings where there is to be no change of use or occupancy.
  - (ii) *Affordable Housing.* Construction of single family and non-profit multi-family supportive housing funded wholly or primarily by federal Community Development Block Grants, non-profit service organizations such as Habitat for Humanity, Housing and Urban Development housing loans and similar programs designed to provide affordable, owner-occupied, single family residences to low income individuals and non-profit multi-family supportive housing shall be exempted from payment of building permit fees.
  - (iii) *City-Owned Facilities.* Construction projects that occur on city-owned properties for facilities that are partially or wholly owned by the city shall be exempted from payment of building permit fees.
- (g) *Electrical.*
- (i) *Electrical Permit Fees.* Fees for permit shall be paid to the city, as follows:
    - (a) First four (4) meters, new or replacement, \$20.00.
    - (b) For each additional meter on a building, \$5.00.
    - (c) \$0.25 per outlet, and \$10.00 per inspection with electrical wiring in concrete.
    - (d) Neon tube lighting shall be \$10.00 for each transformer.
    - (e) A minimum fee for any electrical permit shall be \$20.00.
  - (ii) *Apprentice Electrician.* Registration of an apprentice electrician, \$10.00.
- (h) *Gas.*
- (i) *Gas Permit Fees.* Fees for gas permit shall be paid to the city, as follows:
    - (a) First five (5) fixtures for \$20.00 plus \$2.00 for each additional fixture.
  - (ii) *Exceptions.* Gas ranges/ovens, domestic clothes dryers, and space heaters not required to have a vent are exempted and gas permits are not required to connect these appliances to an existing gas outlet in an existing piping system.