

City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
479-575-8323



City Council Meeting

June 21, 2022
5:30 p.m.

City Hall Room 219
113 West Mountain

City Council Members

*Sonia Harvey Ward 1
D'Andre Jones Ward 1
Mark Kinton Ward 2
Mike Wiederkehr Ward 2
Sloan Scroggin Ward 3
Sarah Bunch Ward 3
Teresa Turk Ward 4
Holly Hertzberg Ward 4*

ELECTED OFFICIALS:
*Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Treasurer Kara Paxton*

Zoom Information: Public Registration Link: https://us06web.zoom.us/webinar/register/WN_w9xNGhaiRZqR9bxCPNXaLA Webinar ID: 818 4889 5709

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items

1 2021-0974 NOMINATING COMMITTEE REPORT

[Legislation Text](#)

2 2021-1081 MONTHLY FINANCIAL REPORT

[Legislation Text](#)

Proposed Agenda Additions

A. Consent

A.1 2021-1052 APPROVAL OF THE JUNE 7, 2022 CITY COUNCIL MEETING MINUTES

[Legislation Text](#)

A.2 2022-0394 AMEND THE MASTER STREET PLAN: A RESOLUTION TO AMEND THE MASTER STREET PLAN BY ADOPTING RESIDENTIAL LINK - TRAILHEAD PARKING AS A NEW STREET SECTION, AND BY DESIGNATING THE PORTION OF SOUTH SMOKEHOUSE TRAIL BETWEEN WEST MARTIN LUTHER KING JR. BOULEVARD AND SOUTH HOOT OWL LANE AS RESIDENTIAL LINK - TRAILHEAD PARKING

[Legislation Text](#)

[AMEND THE MASTER STREET PLAN](#)

A.3 2022-0461 MCCLELLAND CONSULTING ENGINEERS, INC. - 2019 TRANSPORTATION BOND PROJECT: A RESOLUTION TO APPROVE AN AMENDMENT TO THE PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH MCCLELLAND CONSULTING ENGINEERS, INC. IN THE AMOUNT OF \$151,500.00 FOR THE FULL DESIGN FOR PHASE 1 OF THE NORTH STREET CORRIDOR PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT - 2019 TRANSPORTATION BOND PROJECT

[Legislation Text](#)

[MCCLELLAND CONSULTING ENGINEERS, INC. - 2019 TRANSPORTATION BOND PROJECT](#)

[BUDGET ADJUSTMENT](#)

A.4 2022-0463 PLANIT GEO, INC: A RESOLUTION TO AUTHORIZE A CONTRACT WITH PLANIT GEO, INC., PURSUANT TO RFP 22-01, SELECTION #1, FOR THE DEVELOPMENT OF A TEN YEAR URBAN FORESTRY PLAN IN THE AMOUNT OF \$73,550.00, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$4,000.00

[Legislation Text](#)

[PLANIT GEO, INC](#)

A.5 2022-0479 AMEND RESOLUTION 96-22, DOGGETT FREIGHTLINER OF SPRINGDALE: A RESOLUTION TO AMEND RESOLUTION 96-22 AND AUTHORIZE THE PURCHASE OF A FREIGHTLINER RECYCLING TRUCK THROUGH DOGGETT FREIGHTLINER OF SPRINGDALE FOR A NEW TOTAL AMOUNT OF \$206,825.00

[Legislation Text](#)

[AMEND RESOLUTION 96-22, DOGGETT FREIGHTLINER OF SPRINGDALE](#)

A.6 2022-0500 APPROVE AOP POLICIES FOR FIRE DEPARTMENT: A RESOLUTION TO APPROVE POLICIES AOP-121, DAILY STAFFING; AOP-127, SPECIAL OPERATIONS SECTION; AND AOP-403, FIRE EDUCATION DOGS AS PART OF THE FAYETTEVILLE FIRE DEPARTMENT ADMINISTRATIVE OPERATING PROCEDURES

[Legislation Text](#)

[APPROVE AOP POLICIES FOR FIRE DEPARTMENT](#)

A.7 2022-0501 AIRPORT FLIGHT LINE OPERATIONS TECHNICIAN: A RESOLUTION TO INCREASE THE AIRPORT SERVICES STAFFING COUNT BY 0.40 FTE FOR A FLIGHT LINE OPERATIONS TECHNICIAN, AND TO APPROVE A BUDGET ADJUSTMENT

[Legislation Text](#)

[AIRPORT FLIGHT LINE OPERATIONS TECHNICIAN](#)

[BUDGET ADJUSTMENT](#)

A.8 2022-0514 CONDUIT OCCUPANCY AND FIBER SWAP AGREEMENT WITH OZARKSGO, LLC: A RESOLUTION TO APPROVE A CONDUIT OCCUPANCY AND FIBER SWAP AGREEMENT WITH OZARKSGO, LLC TO ALLOW OZARKSGO TO UTILIZE THE CITY'S FIBER CONDUIT TO INSTALL FIBER OPTIC CABLE IN EXCHANGE FOR PROVIDING TEN DEDICATED FIBER OPTIC STRANDS FOR CITY USE

[Legislation Text](#)

[CONDUIT OCCUPANCY AND FIBER SWAP AGREEMENT WITH OZARKSGO, LLC](#)

A.9 2022-0515 APPROVE REQUEST TO NOT DEDICATE ADDITIONAL RIGHT OF WAY ALONG NORTH STREET: A RESOLUTION PURSUANT TO § 166.04(B)(3) OF THE FAYETTEVILLE UNIFIED DEVELOPMENT CODE TO APPROVE THE REQUEST TO NOT DEDICATE ADDITIONAL RIGHT OF WAY ALONG NORTH STREET FOR A LOT SPLIT ASSOCIATED WITH THE FIRE STATION #10 PROJECT

[Legislation Text](#)

[APPROVE THE REQUEST TO NOT DEDICATE ADDITIONAL RIGHT OF WAY ALONG NORTH STREET](#)

B. Unfinished Business

B.1 2022-0469 PATRICIA KNEPP WATER DAMAGE CLAIM: A RESOLUTION PURSUANT TO §39.10(C)(4) OF THE FAYETTEVILLE CITY CODE TO AUTHORIZE THE MAYOR TO PAY THE AMOUNT OF \$40,000.00 TO PATRICIA KNEPP FOR WATER DAMAGE REMEDIATION AT 3252 NORTH MAKEIG COURT

[Legislation Text](#)

[PATRICIA KNEPP WATER DAMAGE CLAIM](#)

B.2 2022-0244 AMEND §159.01 FEES/SCHEDULE: AN ORDINANCE TO AMEND §159.01 FEES/SCHEDULE OF THE UNIFIED DEVELOPMENT CODE TO ADOPT INCREASED VARIANCE REQUEST FEES, ELIMINATE AN OBSOLETE ACCESSORY DWELLING UNIT FEE, AND CREATE FEES FOR SERVICES THAT ARE CURRENTLY PROVIDED WITHOUT ANY COST RECOVERY

[Legislation Text](#)

[AMEND §159.01 FEES/SCHEDULE](#)

[EXHIBIT A](#)

C. Public Hearing: Item 2022-0517, Discussion on Recommendation for Water and Sewer Rates Effective January 1, 2023 has been placed under New Business as D.1. The public will be allowed to speak after the sewer rate ordinance has been read.

D. New Business

D.1 2022-0517 PUBLIC HEARING: DISCUSSION ON RECOMMENDATIONS FOR WATER AND SEWER RATES EFFECTIVE JANUARY 1, 2023: 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

[Legislation Text](#)

[AMEND §51.136 MONTHLY WATER RATES AND §51.137 MONTHLY SEWER RATES](#)

[EXHIBIT A and EXHIBIT B](#)

[PUBLIC HEARING NOTICE-WATER AND WASTEWATER RATE CHANGES 2023](#)

[REVISED AGENDA: AMEND §51.136 MONTHLY WATER RATES AND §51.137 MONTHLY SEWER RATES](#)

[ADDITIONAL INFORMATION PUBLIC HEARING NOTICE](#)

[D.1 ADDITIONAL INFORMATION CITY ATTORNEY KIT WILLIAMS MEMO](#)

[D.1 ADDITIONAL INFORMATION EMAIL CORRESPONDENCE](#)

D.2 2022-0496 RZN-2022-021 (S. HAPPY HOLLOW ROAD/BLACK PINE CONSTRUCTION AND DEVELOPMENT): AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 22-021 LOCATED AT 248 SOUTH HAPPY HOLLOW ROAD IN WARD 1 FOR APPROXIMATELY 3.1 ACRES FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION

[Legislation Text](#)

[RZN-2022-021 \(S. HAPPY HOLLOW ROAD/BLACK PINE CONSTRUCTION AND DEVELOPMENT\)](#)

D.3 2022-0499 AMEND §159.01 FEES: AN ORDINANCE TO AMEND § 159.01 FEES OF THE FAYETTEVILLE UNIFIED DEVELOPMENT CODE TO CLARIFY THAT HOMELESS SHELTERS ARE EXEMPT FROM BUILDING PERMIT FEES

[Legislation Text](#)

[AMEND §159.01 FEES](#)

D.4 2022-0513 AMEND §177.05 STREET TREE PLANTING STANDARDS: AN ORDINANCE TO AMEND § 177.05 STREET TREE PLANTING STANDARDS OF THE UNIFIED DEVELOPMENT CODE TO REQUIRE THE PLANTING OF A STREET TREE ON EVERY STREET FRONTAGE IN RESIDENTIAL SUBDIVISIONS

[Legislation Text](#)

[AMEND §177.05 STREET TREE PLANTING STANDARDS](#)

D.5 2022-0543 AN ORDINANCE TO AMEND § 39.10 WATER AND WASTEWATER DAMAGE CLAIMS AND § 39.11 DAMAGE CLAIMS OTHER THAN WATER AND WASTEWATER DAMAGE CLAIMS OF THE FAYETTEVILLE CODE TO INCREASE THE ALLOWED COMPENSATION AMOUNT BY 25% BECAUSE OF A DECADE OF INFLATION AND TO APPROVE AN EMERGENCY CLAUSE

[Legislation Text](#)

[AMEND 39.10 AND 39.11 DAMAGE CLAIM ORDINANCE - EMERGENCY CLAUSE](#)

E. City Council Agenda Session Presentations

E.1 2022-0431 AGENDA SESSION PRESENTATION - AUDIT COMMITTEE PRESENTATION OF THE 2021 FINANCIAL AUDIT

[Legislation Text](#)

F. City Council Tour

G. Announcements

H. 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 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 Devises 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.