

# **City of Fayetteville, Arkansas**

*113 West Mountain Street*

*Fayetteville, AR 72701*

*(479) 575-8323*



## **City Council Final Agenda**

**Tuesday, February 21, 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 ID: 851 5856 3297**

**PUBLIC REGISTRATION LINK:**

**[HTTPS://US06WEB.ZOOM.US/WEBINAR/REGISTER/WN\\_DUXSKMR7TSQGE6PNNCESKW](https://us06web.zoom.us/webinar/register/wn_duxskmr7tsqge6pnnceskw)**

**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 FEBRUARY 7, 2023 CITY COUNCIL MEETING MINUTES**

(2023-406)

**A.2. MEMORANDUM OF UNDERSTANDING SOUTHEAST FAYETTEVILLE COMMUNITY CENTER, INC. D/B/A FRIENDS OF YVONNE RICHARDSON COMMUNITY CENTER:**

A RESOLUTION TO APPROVE A MEMORANDUM OF UNDERSTANDING WITH THE SOUTHEAST FAYETTEVILLE COMMUNITY CENTER, INC. D/B/A FRIENDS OF YVONNE RICHARDSON COMMUNITY CENTER TO CLARIFY THE RESPONSIBILITIES OF EACH ENTITY (2023-404)

**A.3. ACCEPTANCE OF AN ASSISTANCE TO FIREFIGHTERS GRANT:**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF AN ASSISTANCE TO FIREFIGHTERS GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY IN THE AMOUNT OF \$84,081.81, AND TO APPROVE A BUDGET ADJUSTMENT (2023-412)

**A.4. RFP 22-06 MGT OF AMERICA CONSULTING, LLC.:**

A RESOLUTION TO AUTHORIZE A CONTRACT WITH MGT OF AMERICA CONSULTING, LLC, PURSUANT TO RFP 22-06, IN THE AMOUNT OF \$48,312.50, FOR THE DEVELOPMENT OF AN UPDATED COST ALLOCATION PLAN & USER FEE STUDY, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$4,832.00 (2023-413)

**A.5. 10 YEAR WATER PURCHASE AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE AND THE CITY OF ELKINS:**

A RESOLUTION TO APPROVE A 10 YEAR WATER PURCHASE AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE AND THE CITY OF ELKINS TO ALLOW THE CITY OF FAYETTEVILLE TO FURNISH WHOLESALE POTABLE WATER TO THE CITY OF ELKINS AND ITS RESIDENTS (2023-359)

**A.6. KIM PETRONE 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 \$50,000.00 TO KIM PETRONE, PRIVACY FENCE, INC., AND JDE FOUNDATIONS, INC. FOR A WATER DAMAGE CLAIM ARISING AT 3263 NORTH MAKEIG COURT (2023-411)

**A.7. CARDS HOLDINGS, INC. - WEST END APARTMENTS:**

A RESOLUTION TO APPROVE ADDITIONAL FUNDING IN THE AMOUNT OF \$3,078.08 ASSOCIATED WITH THE DEMOLITION OF THE STRUCTURES LOCATED AT THE FORMER WEST END APARTMENTS, AND TO APPROVE A BUDGET ADJUSTMENT - 2019 DRAINAGE IMPROVEMENT BOND PROJECT (2023-372)

**B. UNFINISHED BUSINESS**

**B.1. AMEND 130.39 GRAFFITI:**

AN ORDINANCE TO AMEND §130.39 **GRAFFITI** IN THE *FAYETTEVILLE CODE* TO CREATE A GRAFFITI ABATEMENT PROGRAM (2022-279)

AT THE DECEMBER 6, 2022 CITY COUNCIL MEETING, THIS ORDINANCE WAS AMENDED TO ADD EXHIBIT A AND OMIT LEASEHOLD TENANT. THIS ORDINANCE WAS LEFT ON THE SECOND READING AND TABLED TO THE JANUARY 3, 2023 CITY COUNCIL MEETING.

AT THE JANUARY 3, 2023 CITY COUNCIL MEETING, THIS ORDINANCE WAS LEFT ON THE SECOND READING AND TABLED TO THE FEBRUARY 7, 2023 CITY COUNCIL MEETING.

AT THE FEBRUARY 7, 2023 CITY COUNCIL MEETING, THIS ORDINANCE WAS TABLED TO THE FEBRUARY 21, 2023 CITY COUNCIL MEETING.

**B.2. FAYETTEVILLE ACTIVE TRANSPORTATION PLAN UPDATE:**

A RESOLUTION TO APPROVE AN UPDATE TO THE FAYETTEVILLE ACTIVE TRANSPORTATION PLAN (2023-323)

AT THE FEBRUARY 7, 2023 CITY COUNCIL MEETING, THIS ITEM WAS TABLED UNTIL THE FEBRUARY 21, 2023 MEETING.

**C. NEW BUSINESS****C.1. AFRICAN AMERICAN TRAIL BLAZERS:**

A RESOLUTION TO HONOR AFRICAN AMERICAN TRAIL BLAZERS OF FAYETTEVILLE (2023-421)

**C.2. STUDY, POSSIBLY AMEND, AND AFFIRM SUPPORT OF THE AMENDED CITY PLAN 2040:**

A RESOLUTION TO STUDY, POSSIBLY AMEND, AND AFFIRM SUPPORT OF THE AMENDED CITY PLAN 2040 (2023-420)

**C.3. AMERICAN RESCUE PLAN ACT REIMBURSEMENT OF LOSS REVENUE:**

A RESOLUTION TO ALLOW NONPROFIT ORGANIZATIONS OPERATING IN FAYETTEVILLE TO SUBMIT AN APPLICATION FOR REIMBURSEMENT OF LOSS REVENUE FROM AMERICAN RESCUE PLAN ACT FUNDS FROM MARCH 15, 2020 TO MARCH 2, 2021, AND TO APPROVE A BUDGET AMENDMENT OF ONE MILLION DOLLARS FOR THESE QUALIFIED APPLICATIONS (2022-290)

**C.4. APPEAL LSD 2022-039 (788 S. SHERMAN AVE./E. HUNTSVILLE RD. MULTI-FAMILY WEST):**

A RESOLUTION TO GRANT THE APPEAL OF DCI AND TO APPROVE LARGE SCALE DEVELOPMENT 2022-039 LOCATED AT 788 SOUTH SHERMAN AVENUE IN WARD 1 (2023-374)

**C.5. APPEAL CUP 2022-0129: CONDITIONAL USE PERMIT (215 W. LAFAYETTE ST/BAXTER):**

A RESOLUTION TO GRANT THE APPEAL OF COUNCIL MEMBERS D'ANDRE JONES, HOLLY HERTZBERG, AND SCOTT BERNA AND APPROVE CONDITIONAL USE PERMIT CUP 2022-0129 FOR A SHORT-TERM RENTAL AT 215 WEST LAFAYETTE STREET (2023-401)

**C.6. RZN 22-053 (3017 W.OLD FARMINGTON RD./ARNOLD):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 22-053 LOCATED AT 3017 WEST OLD FARMINGTON ROAD IN WARD 1 FOR APPROXIMATELY 0.50 ACRES FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO RSF-18, RESIDENTIAL SINGLE-FAMILY, 18 UNITS PER ACRE (2023-400)

**C.7. RZN 22-055 (N. BOB YOUNKIN DR. & W. BISHOP DR./LEGACY VENTURES NWA):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 22-055 LOCATED AT NORTH BOB YOUNKIN DRIVE AND WEST BISHOP DRIVE IN WARD 3 FOR APPROXIMATELY 7.76 ACRES FROM R-O, RESIDENTIAL-OFFICE TO CS, COMMUNITY SERVICES AND RMF-24, RESIDENTIAL MULTI-FAMILY, 24

UNITS PER ACRE (2023-371)

**C.8. VAC 22-019 (2231 W. MARKHAM RD/MARKHAM HOSPITALITY):**

AN ORDINANCE TO APPROVE VAC 22-019 FOR PROPERTY LOCATED AT 2231 WEST MARKHAM ROAD IN WARD 4 TO VACATE A PORTION OF A UTILITY EASEMENT (2023-399)

**C.9. VAC 22-028 (EAST SAIN STREET./TRAILS AT THE CREEK):**

AN ORDINANCE TO APPROVE VAC 22-028 FOR PROPERTY LOCATED AT 1074 EAST SAIN STREET IN WARD 3 TO VACATE A PORTION OF UTILITY EASEMENT AND A PORTION OF A GRADING EASEMENT (2023-405)

**C.10. VAC 22-029 (1074 E. SAIN ST/THE TRAILS ON THE CREEK):**

AN ORDINANCE TO APPROVE VAC 22-029 FOR PROPERTY LOCATED AT 1074 EAST SAIN STREET IN WARD 3 TO VACATE A PORTION OF STREET RIGHT-OF-WAY (2023-403)

**D. CITY COUNCIL AGENDA SESSION PRESENTATIONS**

**D.1. 71B CORRIDOR STUDY IMPLEMENTATION UPDATE**

(2023-366)

**D.2. UPDATE ON ARPA CHILDCARE ASSISTANCE, PAUL BECKER AND YOLANDA FIELDS**

(2023-425)

**E. CITY COUNCIL TOUR**

**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](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.