

ORDINANCE No. 355

AN ORDINANCE PLACING A TEMPORARY MORATORIUM ON COLLECTION OF THE "LOCAL WASTEWATER IMPACT FEE" REQUIRED BY CHAPTER 10.06 OF THE GREENLAND MUNICIPAL CODE.

WHEREAS, the City of Greenland has for many years contracted with the City of Fayetteville for Fayetteville to operate and maintain the Greenland wastewater system which includes collecting, transporting and treating of wastewater from Greenland;

WHEREAS, beginning in 2007 Greenland, along with the City of Fayetteville and several other cities, participated in a study by Duncan/Associates in association with Rosenthal Associates, Inc., to obtain an Independent Fee Calculation Study in an effort to determine a rational nexus and a rough proportionality between development impact created by different types of development and appropriate in town wastewater 'impact fees' in order to carry out the Wastewater Capital Plan (as adopted by Resolution 02-09-2009 B) which would maintain the adopted level of service (LOS);

WHEREAS, anticipated new development in Greenland was expected to pay its fair share of future costs related to additions to and enhancements to capacity in the Greenland local wastewater collection and transportation system by way of a local wastewater impact fee;

WHEREAS, Ordinance No. 280 (Fayetteville System Wastewater Impact Fee) and Ordinance No. 282 (Greenland Local Wastewater Impact Fee) were passed by the Council to implement fees to apply to new development which connected to the sewer (wastewater) system;

WHEREAS, much of the anticipated development has failed to materialize and most of the building and construction which has occurred since passage of Ordinance No. 282 (adopting GMC Chapter 10.06) has been "fill in";

WHEREAS, several interested parties have contacted Greenland City Hall inquiring about the process of development within the City and have complained about the local wastewater impact fee;

WHEREAS, if the local wastewater impact fee is a hindrance to development within the City then there is harm accruing to citizens who could sell property to developers, harm to citizens who work in the building trades and harm to local businesses which would benefit from increased development and building activity; and,

WHEREAS, the Administration has requested and recommends a temporary moratorium concerning enforcement of Ordinance No. 282 (Chapter 10.06 of the Greenland Municipal Code) in an effort to "jump start" development within the City.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF GREENLAND, ARKANSAS, that:

Section 1: Following consideration, discussion and debate the Council, recognizes that if new development occurs while enforcement of Chapter 10.06 (GMC) is being held in abeyance, the entire City and others (perhaps) will be required to pay for the local wastewater system enhancements required to serve such new development.

Section 2: The Council also recognizes that continued enforcement of Chapter 10.06 (GMC) will raise funds for enhancement of the Greenland local wastewater system directly from those who will immediately benefit from those enhancements but will not totally pay for those enhancements by the time such enhancements will be necessary.

Section 3: That enforcement of Chapter 10.06 of the Greenland Municipal Code shall be suspended from the 18 day of Sept, 2021 for a period of 24 months to encourage and stimulate new development within the City; this moratorium specifically does not apply to any Chapter or Section of the GMC except Chapter 10.06 and then only for the aforesaid period of time, after which enforcement of Chapter 10.06 (GMC) shall resume without further action of this Council on September 13, 2021.

Section 4: If it is determined during the foregoing moratorium period that the approved Capital Plan and projected level of service is being irrevocably affected in a negative manner the facts thereof shall immediately be brought to the attention of this Council.

Section 5: Upon passage of this Ordinance and prior to the first date set forth in Section 3 above the Administration shall notify the appropriate office with the City of Fayetteville as to the moratorium on enforcement of Chapter 10.06 of the Greenland Municipal Code.

PASSED AND APPROVED this 13th of September, 2021



Bill Groom Mayor City of Greenland

Attested: Misty McCard
Misty McCard Recorder/Treasurer

I HEREBY CERTIFY THE ABOVE TO BE AN EXACT AND TRUE COPY OF THE RECORDS OF THE GREENLAND RECORDER/TREASURER AS MAINTAINED IN MY OFFICE.
SIGNED Misty McCard
MISTY McCARD, RECORDER/TREASURER