

## **MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING**

**TUESDAY ~ JUNE 15, 2021 ~ 6:00 P.M.**

**FORT SMITH CONVENTION CENTER**

The meeting was called to order by Mayor George McGill, presiding. Invocation was given by Pastor Preston Smith of The Bridge Church, followed by the Pledge of Allegiance led by Director Lavon Morton.

On roll call the following members of the Board were all physically present: Directors Andre' Good, Lavon Morton, George Catsavis, Kevin Settle, Robyn Dawson, and Neal Martin; and, Director Jarred Rego, who was present via electronic means. The Mayor declared a quorum present.

The Mayor inquired if any Board member had any item of business to present that was not already on the agenda. There was none presented.

The minutes of the June 1, 2021 regular meeting was presented for approval as revised whereby clarification language was added on Page 17 regarding local bidder preference. Settle, seconded by Morton, moved approval of the minutes as revised. The members all voting aye, the Mayor declared the motion carried.

Item No. 1 was an ordinance establishing the policy and fee for entombments at Oak Cemetery (*Parks*).

Director of Parks and Recreation Doug Reinert briefed the Board on the item advising that due to recent construction of above ground tombs, it has become necessary to establish procedures for entombments at Oak Cemetery. Entombments do not require Parks maintenance staff to perform any work outside of perpetual maintenance, which is

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factored into the cost of the grave space; therefore, it is recommended to only charge a recording fee for entombments at above ground tombs and mausoleums. Such is consistent with the process and fee used for the scattering of cremains at purchased grace spaces at Oak Cemetery. The recording fee was presented to the Parks and Recreation Commission at its April 2021 meeting whereby they voted unanimously to recommend the proposed policy and associated recording fee to the Board of Directors for consideration.

Settle, seconded by Good, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance by caption for its readings. There being no director commenting and the members all voting affirmatively, the Mayor declared the motion carried. Settle, seconded by Good, moved adoption of Section 3 the emergency clause. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance and emergency clause were adopted and the ordinance was given Ordinance No. 59-21.

Item No. 2 was an ordinance amending Ordinance No. 106-20 regarding the location for regular meetings of the Board of Directors for the Year 2021 (City Clerk).

City Administrator Carl Geffken briefed the Board on the item advising in April 2021, the City of Fort Smith entered into an assignment of lease agreement for the structure located at 101 North 2nd Street, also known as the Blue Lion. The intended use of the facility is to accommodate City meetings whereby improvements were required in order to proceed with such, i.e. construction of dais, purchase of audio/video equipment, carpeting, etc. The aforementioned is anticipated to be complete to allow regular meetings of the

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Board of Directors to be held at said location beginning with the July 6, 2021 regular meeting. Per State law, the dates, time, and location of regular meetings of the Board must be set by ordinance each year. For 2021, such was accomplished via adoption of Ordinance No. 106-20, which set the Board of Directors regular meeting location at the Fort Smith Convention Center. The proposed ordinance formally relocates regular meetings for the remainder of 2021 to the facility at 101 North 2<sup>nd</sup> Street, but retains the previously approved dates and time for regular meetings in 2021.

Settle, seconded by Morton, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance by caption for its readings. Prior to the vote, Director Settle noted the availability of the new location presented a great opportunity for the City. Much appreciation was extended to City staff for overseeing and ensuring all necessary items are in place at the new meeting location to accommodate upcoming meetings of the Board. He further extended much gratitude to the Convention Center for providing an alternate meeting space for the Board of Directors throughout the COVID-19 pandemic.

Regarding all necessary purchases and improvements to the facility to accommodate City meetings, i.e. dais construction, audio/video requirements, etc., Director Martin requested the total cost be determined and provided to the Board at a later date.

The motion remaining on the floor and the members all voting affirmatively, the Mayor declared the motion carried. Settle, seconded by Morton, moved adoption of Section 2 the emergency clause. The members all voting affirmatively, the Mayor declared the

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motion carried and the ordinance and emergency clause were adopted with the ordinance given Ordinance No. 60-21.

Item No. 3 was a resolution authorizing the City Administrator to waive building permit fees and construction inspection fees associated with renovation of the Arkansas Colleges of Health Education building located at 1000 Fianna Way (*Administration*).

Administrator Geffken briefed the Board on the item advising representatives of the Arkansas Colleges of Health Education (ACHE) have approached the City with plans to renovate the large corporate office building located at 1000 Fianna Way. The building was formerly owned/operated by Beverley Enterprises/Golden Living. ACHE has acquired ownership of the building and intends to renovate such to include a health and wellness center, classrooms, and similar space that will complement the ACHE medical education facilities in Chaffee Crossing. ACHE has requested the City of Fort Smith waive building permit and inspection fees related to the project. Upon approval, although the fees would be waived, all incremental building and safety inspections will still be required. The City recognizes the significant investment in taking ownership of the building, renovation, and utilizing the entire structure in a meaningful way; therefore, he recommended approval.

Settle, seconded by Martin, moved adoption of the resolution. Prior to the vote, Directors Dawson, Settle, Rego, and Martin all spoke in favor of the item and extended much appreciation to the ACHE for both their past and present investments citing the college is "*something of pride*" and the new facility will be "*a diamond to the community*" resulting in "*positive change.*"

Director Dawson submitted multiple inquires, i.e. the number of first year students at the existing facility, anticipated new employees at the subject site, etc.

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Additionally, Director Settle requested Kyle Parker, Chief Executive Officer of the ACHE, address the Board and provide a brief synopsis of the proposed project.

With regard to the first year class at the college, Mr. Parker advised said class had 145 students. Regarding the recently purchased facility at 1000 Fianna Way, the structure has multiple floors containing approximately 318,000 square feet. The intent is to renovate the first floor for creation of a health and wellness center whereby vendors will be present to provide nutrition to students. The second floor is still being utilized by remaining Golden Living staff; therefore, a lease is in place for such to remain. The third floor will be renovated to provide additional classrooms for the college. The fourth and fifth floors will be utilized for clinical research purposes. The proposed site is anticipated to result in the addition of 175 employees. A recent analysis indicates that the ACHE investments are expected to create a \$60 million economic development impact to the community. The ACHE is now known as one of the top medical schools in the nation. The college accepts 150 new students per year; therefore, the immediately aforementioned “*top medical school*” statement can be confirmed whereby over 6,000 applications were submitted for the current class, i.e. 150 students.

Mayor McGill also extended much appreciation to the ACHE for its investments and commitment to the city. He added that with the recent announcement and selection of Fort Smith as a pilot training site, the proposed investment is a “*great bookend.*”

The motion remaining on the floor, the members all voted affirmatively with the exception of Director Morton, who “recused” citing he serves on the ACHE Board of Trustees. The Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-80-21.

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Item No. 4 was an ordinance amending the 2021 Operating Budget and authorizing the appropriation of funds from the available General Fund balance to fund the City of Fort Smith's portion of the Ebbing Air National Guard Base Runway Project (*Administration*).

Administrator Geffken briefed the Board on the item advising the subject project extends the runway at the Ebbing Air National Guard Base by 1,300 additional feet. The \$22 million dollar project is a collaboration between the State of Arkansas and the City of Fort Smith for the new military mission. The Base was recently selected to be the long-term pilot training center supporting F-16 and F-35 fighter planes purchased by counties participating in the Foreign Military Sales (FMS) Program. The proposed ordinance authorizes a budget amendment allocating \$5,000,000 from the available General Fund balance for the City's portion of the runway extension to accommodate the Pilot Training Center.

Settle, seconded by Martin, moved adoption of the ordinance. Prior to the vote, Director Catsavis spoke in favor the item stating such is a "*good thing*." With regard to the \$5 million appropriation, he conveyed much confidence the City will easily recoup said amount by the increased tax revenue created by the new training mission at the Base; however, he questioned if such is a one-time expense whereby Administrator Geffken responded affirmatively. He further inquired if the current drone mission will be impacted by the training program whereby Administrator Geffken simply stated, "*no*."

Director Morton questioned who will manage the construction; if F-16's have been utilized in Fort Smith before; when such is anticipated to be operational; and, when the project is anticipated to begin. He further extended much appreciation and gratitude to all

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involved in promoting Fort Smith throughout the entire selection process, and conveyed congratulations citing such was a great success.

Administrator Geffken advised the Airport Authority will oversee the project; no F-16 aircraft have been utilized at the airport; the extension is anticipated to be completed and operational by June 2023; and, the engineering design portion of the project has already been initiated.

Director Rego simply extended a heartfelt *"thank you"* to all involved in the selection process to promote Fort Smith as a viable site for the Pilot Training Center.

Upon approval, Director Dawson requested confirmation that the unobligated balance of the General Fund will be \$20 million and if the runway extension could create an incentive for the return of more commercial flights.

Administrator Geffken responded affirmatively to both inquiries, and added that another governmental entity is contemplating contributing to the project. If such comes to fruition, he conveyed the City's contribution to the project could be reduced.

Director Settle noted that in 2020, no one could've imagined the numerous investments that would be forthcoming, i.e. medical college expansion to another facility (Item No. 3), Pilot Training Center (Item No. 4), as well as numerous other developments and company expansions that will bring many new jobs to the city. Due to such, he adamantly disputed all nay-sayers allegations that the city of Fort Smith and its leaders are failing the residents citing the aforementioned projects prove otherwise. He further directed all said nay-sayers to *"keep quiet"* because, due to the aforementioned, he feels the city and its leadership *"...is doing a pretty damn good job....especially in a post COVID world!"*

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Director Martin noted that 2021 has been a good year for the city, and simply added *“Director Settle said it all.”*

Administrator Geffken and Mayor McGill noted such was a team effort and extended much appreciation to numerous individuals involved in the selection process, i.e. Tim Allen, Executive Director of the Chamber of Commerce, the Waltons for hosting a tour of northwest Arkansas, various City staff, and residents that impressed the Singapore delegation and made them feel at home citing the immediately aforementioned was a *“game changer.”*

The motion remaining on the floor and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 61-21.

Director Settle offered a motion to place a resolution of appreciation on a regular meeting in July to recognize everyone involved in the selection process for Fort Smith to be considered for the Pilot Training Center. Martin seconded the motion; therefore, since placement of an item on a future agenda requires the concurrence of two (2) directors, the Mayor announced the item will be added to a regular meeting in July as requested.

Item No. 5 consisted of the following items regarding emergency repairs at the Fort Smith Police Department:

- A. Ordinance declaring an exceptional situation and waiving the requirements of competitive bidding for the emergency repairs of the climate control system at the Police Department (*\$95,000.00 / Police Department / Not Budgeted - Maintenance Buildings*)

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- B. Ordinance amending the 2021 Budget and authorizing the appropriation of funds from the available General Fund balance to accommodate the emergency repairs of the climate control system at the Police Department (*Police*)

Police Chief Danny Baker briefed the Board on the items advising the HVAC system at the Fort Smith Police Department (FSPD) operates on a closed water loop system. The water circulates around the units and the boiler to regulate the heating and cooling in the building. With a closed system, there should be little to no need to replenish the water circulating in the system. Additionally, a chemical is added to the water loop system to reduce sediment and rust, keeping the system running smoothly. In mid-November of last year, while a contractor was conducting a regular maintenance and service visit, it was discovered by Mr. Mike Little, Lead Building Engineer, that there was no chemical in the water. Such meant that since the prior inspection of the chemical level of the water, the water in the system was completely replaced with city water. There is a fail-safe of a normal input of city water to automatically replace water in the system if it gets low and the absence of the chemical meant there was a leak somewhere in the system, necessitating the loop to be replenished with the fail-safe city water. Despite operating under normal conditions, it was discovered that there was a significant water leak somewhere in the system causing the loss of several thousand gallons of water per month (the system holds two-thousand gallons and we lose at least that amount between monthly treatments). Staff worked diligently to identify the water leak and after exhausting all options, a company was hired to locate the leak underground using sensitive listening equipment. It was determined the leak was coming from beneath the parking lot. The possible location of the leak was located near the cooling tower which meant the leak could be beneath the ground at this

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location or could be underneath the cooling tower. It was determined the matter should wait until there is no chance of freezing weather (so the pipes will not freeze during the repair) and before warm weather sets in (as there will be no A/C during the repair). The repair could take as little as one (1) day, but could also be a week or beyond, depending on the nature of the repair. The leak was discovered in late March whereby Malone's Mechanical submitted a quote not to exceed \$115,000 to conduct the repairs. Due to the time constraints and urgency of the matter, the City was not in a position to obtain formal bids; therefore, Malone's Mechanical was authorized to proceed immediately with the repairs. The actual cost for repairs was \$95,000 whereby such was less than the anticipated repair expense. Item No. 5A declares an emergency and waives the requirements of competitive bidding for the aforementioned repair. Item No. 5B authorizes the appropriation of \$95,000 from the available General Fund balance to accommodate the aforementioned repairs.

Catsavis, seconded by Martin, moved adoption of Items No. 5A and 5B. Prior to the vote, Director Catsavis questioned if the HVAC system was the original unit at the location, as well as the anticipated cost for a new HVAC system, if needed.

Chief Baker confirmed the existing HVAC system is the original unit installed when the FSPD was constructed in 1996. With regard to the cost for a new HVAC system, it's anticipated such would cost at least \$500,000 whereby he conceded such was the fear; however, the proposed repair was a much-welcomed resolution.

Administrator Geffken added the matter was discovered due to the diligent monitoring to ensure proper maintenance at the facility; therefore, he extended much appreciation to maintenance staff at the FSPD. If the issue had lingered due to extended neglect, such could've eventually resulted in a greater expense.

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Director Morton requested confirmation that three (3) quotes for the repair were obtained whereby Purchasing Manager Alie Bahsoon responded affirmatively. Since the quotes were dated at the end of March 2021, he indicated the matter should've been presented to the Board for consideration before June 2021 and urged a more timely presentation for like matters in the future.

The motion remaining on the floor and the members all voting affirmatively, the Mayor declared the motion carried and the ordinances were adopted and given Ordinances No. 62-21 and 63-21 respectively.

Item No. 6 was an ordinance approving Cadillac Cowboy, Inc. d/b/a The Cactus to file an application with the Alcohol Beverage Control Division to obtain a private club liquor license to sell liquor, wine, and beer (3028 Midland Boulevard) (Finance).

Director of Finance Andy Richards briefed the Board on the item advising the State of Arkansas 91<sup>st</sup> General Assembly passed Act 1112 in 2017, which requires governing bodies of counties and municipalities to initiate the permitting process for private clubs. Due to such, the application process for private club permits begin at the municipality level prior to submission and consideration by the State of Arkansas Alcoholic Beverage Control (ABC). In accordance with the aforementioned, a new applicant has requested such whereby the pertinent information is provided as follows:

Applicant Name:	Jeremiah Robinson, Owner/ Operator
Corporate Name:	Cadillac Cowboy, Inc.
Business Name:	The Cactus
Business Address:	3028 Midland Boulevard

The private club permit will allow the sale of liquor, wine, and beer on-premise. Business license staff has determined the subject entity is in good standing with the City of Fort Smith citing such currently maintains a valid business license.

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Good, seconded by Settle, moved adoption of the ordinance. Prior to the vote, Director Dawson requested a brief explanation of the proposed.

Police Chief Danny Baker advised the business location has been utilized as a private club in the recent past. The property now has a new owner with a different business name; therefore, a new permit with the correct owner and business name must be submitted to the ABC for consideration, which first requires approval of the proposed.

The motion remaining on the floor, the members all voted affirmatively with the exception of Director Dawson, who voted “no.” The Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 64-21.

The consent agenda (Item No. 7) was presented to the Board for consideration, the items being as follows:

- A. Resolution accepting completion of and authorizing final payment for the 2020 Street Overlays/Reconstruction, Phase B, Project No. 20-03-B (\$109,354.30 / Engineering Department / Budgeted - Sales Tax Program) ♦Future Fort Smith Item
- B. Resolution accepting Change Order No. 1 with Goodwin & Goodwin, Inc. for construction of Harley A. Wilson Park Improvements (\$10,515.75 / Parks Department / Budgeted - 1/8% Sales and Use Tax)
- C. Resolution accepting completion and authorizing final payment to Goodwin & Goodwin, Inc. for construction of Harley A. Wilson Park Improvements (\$63,001.13 / Parks Department / Budgeted - 1/8% Sales and Use Tax)
- D. Resolution accepting Change Order No. 1 with Matlock Construction for installation of portable power dolly and LED ambient lights for the Riverfront Electric Repairs Project (\$62,000.00 / Parks Department / Budgeted - General Fund)

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- E. Resolution authorizing the execution of a memorandum of understanding between the City of Fort Smith, Arkansas Police Department, and the Fort Smith Public School District concerning the provision of three (3) Fort Smith Police Officers as School Resource Officers (*Police*)
- F. Resolution authorizing the City Administrator and City Attorney to conclude litigation styled as Mary Johnston v. City of Fort Smith, Arkansas and approving settlement agreement (*Administration*)

Settle, seconded by Martin, moved adoption of all consent agenda items. Prior to the vote and regarding Items No. 7B and 7C, Director Morton noted the improvements at Harley A. Wilson Park citing such was a “*great project*”, specifically indicating the manner in which such was initiated, i.e. youth utilizing the basketball courts contacting the Mayor’s Office and requesting improvements.

Administrator Geffken and Mayor McGill concurred with the comments of Director Morton with the Mayor extending much appreciation to the young gentleman for contacting his Office and relaying the need for the subject improvements.

With regard to Item No. 7F, Director Morton requested confirmation that the proposed settlement included only earned time and other small, general items whereby Administrator Geffken responded affirmatively.

Director Martin requested an explanation of the proposed item, but conceded such can be provided at a later date.

The motion remaining on the floor and the members all voting affirmatively, the Mayor declared the motion carried and the resolutions were adopted and given Resolutions No. R-81-21 through R-86-21 respectively.

Mayor McGill opened the Officials Forum with the following comments offered:

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▶ Mayor McGill

- Re:
1. Regarding Item No. 3 relating to the Arkansas Colleges of Health Education improvements to a recently purchased building, he again extended much appreciation for the entities commitment to Fort Smith.
  2. With regard to Item No. 4, i.e. Air National Guard Runway Project, he again conveyed gratitude to all involved in ensuring Fort Smith was selected as the pilot training mission site.
  3. Announced the city of Fort Smith will host the inaugural Fort Smith International Film Festival, which is scheduled for August 13 and 14, 2021, and noted that U.N. Arts Ambassador Ibiyinka Alao will be attendance. He conveyed much excitement with the forthcoming event and encouraged all to participate.

▶ Director Good

- Re:
1. Advised he recently attended the Police Academy graduation and extended much appreciation to the numerous graduates. Regarding same, he urged the importance of constructing the City's own training facility and encouraged such be initiated as soon as feasibly possible.
  2. Noted he's received numerous complaints from residents regarding water billing issues. Due to such, he offered a motion to place an item on a future study session to discuss and review the matter. The motion was seconded by Settle; therefore, since such requires the concurrence of two (2) directors, the Mayor announced such will be added to a future study session agenda as requested.

Due to the alleged billing issues, he further extended much appreciation to City staff, who have assisted residents with explanations and the allowance of payment plans for past due

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accounts. Additionally, he expressed concern with billing issues when such is related to water leaks; therefore, he requested a copy of the current policy regarding bill adjustments.

Administrator Geffken provided brief explanations relating to billing cycles, meter read dates, meter re-reads, actual billing dates, as well as the leak detection process. He reminded all that the City is currently in the process of transitioning to Advanced Metering Infrastructure (AMI); however, such cannot be fully initiated until the water meter replacement project is complete. Once the AMI project is implemented, such will be better for all residents.

Director Morton noted that the adjustment policy was recently discussed with a direction that the subject policy be fair, equitable, and reasonable to all customers citing said policy is anticipated to be brought back to the Board for consideration in the future. Due to such, he requested confirmation that the subject policy is being drafted. He further inquired of the anticipated completion date for the AMI transition.

Director of Utility Lance McAvoy confirmed the subject policy is currently being drafted. He further provided a more detailed explanation of the billing process as well as the AMI. The project is anticipated to be completed in 2023. As stated, all meters must be replaced before the AMI vendor will initiate the transition. Upon completion of the aforementioned, staff desires to run parallel billings for six (6) months to ensure everything works appropriately before full transition is initiated whereby Director Morton simply encouraged the matter be expedited as much as reasonably possible.

► Director Settle

Re: Regarding Items No. 3 and 4 on the agenda, and the numerous other investments already conveyed, he simply noted, *"it's a great day to be in Fort Smith!"*

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▶ Director Martin

- Re: 1. Requested an update regarding the water leak mitigation plan be placed on a future agenda whereby Administrator Geffken such will be scheduled as requested.
2. With regard to Items No. 3 and 4 on the agenda and other significant developments occurring in Fort Smith, he too commented citing some question “*why Fort Smith?*” Instead of the aforementioned, he encouraged all to change the mindset to “*why NOT Fort Smith?*”

▶ Director Morton

Re: Reminded all that the upcoming study session on June 22, 2021 will be an update on the Consent Decree, which will include presentation from the City’s legal team and an opportunity for citizens to comment and ask questions regarding the Consent Decree.

▶ Administrator Geffken

Re: Introduced new Deputy Director of Finance Tammy Schaffer, who previously served as the Director of Finance in El Dorado, Kansas. He encouraged all to extend a heartfelt welcome to Mrs. Schaffer.

The Board convened into executive session at approximately 7:14 p.m. and after reconvening, the Mayor announced the following appointment nominations:

**ADVERTISING & PROMOTION COMMISSION**

Brandon Goldsmith

*~ to fill the unexpired term of Tom Calderera who passed away ~*

Term expires December 31, 2022

**AIRPORT COMMISSION**

Kevin Ridgley (reappointment)

Eric Pendergrass

Terms expire June 30, 2026

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**FUTURE FORT SMITH COMMITTEE**

Mishelle Davis

*~ to fill the unexpired term of Alex Sanchez who resigned ~*

Term expires April 21, 2025

*Note: Director Dawson left the meeting immediately after the executive session, just prior to reconvening.*

Settle, seconded by Martin, moved acceptance of all the above named appointment nominations. The members present all voting aye, the Mayor declared the motion carried.

There being no further business to come before the Board, Settle moved that the meeting adjourn. The motion was seconded by Martin, and the members present all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 7:21 p.m.

**APPROVED:**

  
MAYOR

**ATTEST:**

  
CITY CLERK