

## MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ MAY 3, 2022 ~ 6:00 P.M.

BLUE LION, 101 NORTH 2<sup>ND</sup> STREET

The meeting was called to order by Mayor George McGill, presiding. Invocation was given by Director Neal Martin, followed by the Pledge of Allegiance led by Director Robyn Dawson.

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

City Administrator Carl Geffken offered the following:

1. Introduced newly appointed Director of Solid Waste Services Nicole Riley, who started on May 3, 2022.
2. Introduced Mobility Coordinator Michael Mings, who also started on May 3, 2022.
3. Announced the passing of Mr. David Harris, who was a long-time resident of Fort Smith and consistent attendee to not only Board of Directors meetings, but also multiple City of Fort Smith Board, Committee, and Commission meetings as well.

Several directors commented and conveyed condolences regarding the announcement citing David, "*will be missed.*"

The minutes of the April 19, 2022 regular meeting and April 26, 2022 special meeting were presented for approval. Morton, seconded by Catsavis, moved adoption of the minutes as written. The members present all voting aye, the Mayor declared the motion carried.

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Item No. 1 was an ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map (*Master Land Use Plan Amendment: Residential Detached to Residential Attached / Rezoning: Residential Multifamily Medium Density (RM-3) and Residential Estate One Acre (RE-1) to a Planned Zoning District (PZD) by classification at 5300 Heather Ridge Street*) ~ Tabled to the April 5, 2022 regular meeting at the March 1, 2022 regular meeting / Tabled to the May 3, 2022 regular meeting at the April 5, 2022 regular meeting ~ (Planning).

Director of Development Services Maggie Rice briefed the Board on the item advising such is the request of Neal Skelton, agent for Mark Rouse. The subject property is located on the west side of Heather Ridge Street, north of Interstate 540, and contains an area of forty-three (43) acres. The purpose of the proposed is to allow for a mixed use residential development containing single-family residences, duplexes, row houses, and multifamily apartments. Two (2) neighborhood meetings were held on January 27 and 28, 2022 with a total of thirteen (13) neighboring property owners in attendance who voiced concerns about increased traffic, property values, wildlife habitat degradation, and the width of the landscaping buffer. The Planning Commission held a public hearing on February 8, 2022 whereby Sharon Gosnell, Leslie Wintory and Hank Galaske, all who reside on Hardscrabble Way, and Ben Beland, who resides on Gary Street, were in attendance and spoke in opposition to the proposed citing concerns regarding appropriateness, traffic, home values, ingress and egress, and lot sizes. The Planning Commission voted six (6) in favor, two (2) opposed and one (1) abstention to recommend the matter to the Board of Directors for consideration. The matter was presented to the Board of Directors for consideration at the March 1, 2022 regular meeting; however, due

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to traffic concerns and to provide adequate time to conduct a traffic study, the applicant requested the matter be tabled to the April 5, 2022 regular meeting. The aforementioned traffic study was not completed; therefore, the matter was again tabled and placed on the May 3, 2022 regular meeting agenda. The applicant has submitted the Traffic Impact Analysis (TIA) for the proposed development whereby such indicates traffic will be in compliance with the Unified Development Ordinance (UDO). City of Fort Smith Director of Engineering Stan Snodgrass has reviewed and concurs with the results of the TIA.

The following individuals were present to address the Board:

- Darrel Cunningham  
Fort Smith, Arkansas

Re: Advised he's resided in the area for twenty-plus (20+) years and expressed concern with the ingress and egress, alleging the development maintains only one (1) entrance and exit. Due to such and because the subject development is surrounded by dense residential properties, he urged the development "*desperately needs a back entrance*" or alternate exit.

- Jo Elsken  
Fort Smith, Arkansas

Re: Extended much appreciation for the traffic study; however, she expressed concern with the potential removal of established trees and requested such be protected. She further conveyed concern that due to the topographical outlay, the development could result in significant runoff that will create a drainage issue for properties located at the bottom of the hill.

Rego, seconded by Martin, 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 Dawson expressed concern with ingress

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and egress associated with the proposed development and submitted multiple inquiries regarding same. She further questioned the average square footage and value of each of the proposed single family homes.

Mrs. Rice, Mr. Jackson Goodwin, representing Mickle Wagner & Coleman, Inc., and Mr. Rouse responded to each inquiry confirming the development will have multiple ingress and egress points; however, he confirmed that no entrance/exit to the back of the development is proposed. Such was considered; however, the topography of the area is not ideal. Regardless, the property owner in which such could potentially be located was not receptive to selling only a portion of the property to accommodate citing their preference that the entire parcel be purchased. There was much discussion whereby alternate routes were explained in detail. With regard to the estimated size and square footage of the proposed single-family structures, such will range from 1,800 to 2,500 square feet with estimated values ranging from \$420,000 to \$550,000.

Director Morton also inquired about ingress and egress, but further expressed concern with potential future drainage issues for residents at the bottom of the hill. Due to such, he urged such be carefully and thoughtfully considered to ensure the proposed development poses no detrimental impact to surrounding properties. Additionally, he requested confirmation that the Fire Department has reviewed the development plan and maintain no issue with regard to accessing the area with emergency vehicle(s) whereby Mrs. Rice responded affirmatively.

Mr. Goodwin conveyed much confidence that the development will adhere to all required drainage standards adding that a detention pond is included in the development plan. He further noted that a Property Owners Association (POA) will be created to ensure

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compliance with all property maintenance regulations assuring the development is free of tall grass, trash and debris, etc.

Director Martin also expressed concern with potential drainage issues and further inquired if the City of Fort Smith conducted an independent traffic study.

With regard to drainage, Mr. Rouse conveyed much assurance that due to drainage standards and inclusion of storm drains, the proposed development could actually “*slow down*” the flow of water that currently exists in the area.

Director of Engineering Stan Snodgrass confirmed the City of Fort Smith did not conduct an independent traffic study; however, the submitted TIA was reviewed by City staff, who concurs with said result.

Director Rego extended much appreciation that a TIA was conducted and spoke in favor of the proposed citing such is a “*very good project.*”

The motion remaining on the floor and the members present all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 36-22.

Item No. 2 was an ordinance amending the 2019 Unified Development Ordinance of the City of Fort Smith (*Appeal procedures*) ~ *Requested at the February 22, 2022 study session ~ (Planning.*

Mrs. Rice briefed the Board on the item advising the proposed amendment requires all appeals of Planning Commission decisions be presented to the Board of Directors at a study session prior to being placed on a regular meeting agenda for consideration. The Planning Commission held a public hearing on April 12, 2022 to review the proposed

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amendment. The Planning Commission voted nine (9) in favor and zero (0) opposed to recommend such to the Board of Directors for consideration.

*Note: Director Martin temporarily left the meeting and was not present at the time of the below vote.*

Rego, 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. There being no director commenting and the members present all voting affirmatively, the Mayor declared the motion carried. Morton, seconded by Catsavis, moved adoption of Section 3 the emergency clause. The members present all voting affirmatively, the Mayor declared the motion carried and the ordinance and emergency clause were adopted and the ordinance was given Ordinance No. 37-22.

Mayor McGill announced that this was the place and time set for a public hearing regarding the Year 48 Community Development Block Grant Budget, the Year 29 Home Investment Partnership Act Program Budget, authorizing the submission of the Program Year 2022 Action Plan and substantial amendment to the Year 2021 Annual Action Plan ~ *Good/Morton placed on agenda at the April 26, 2022 study session ~ (CDBG)*. Notice of the public hearing had been duly published as required by law. Following the public hearing, consideration of a resolution authorizing same would be given (Item No. 3).

Director of Community Development Candyce Gabucci briefed the Board on the item as discussed at the April 26, 2022 study session. The Community Development Advisory Committee (CDAC) reviewed the recommendations on March 17, 2022 and recommended such to the Board of Directors for consideration.

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There being no individual present, Mayor McGill formally closed the public hearing.

Morton, seconded by Rego, moved adoption of the resolution. Prior to the vote, Director Rego extended much appreciation to the Community Development Department and members of the CDAC for their efforts in reviewing all applications stating “*keep up the good work.*”

Director Morton echoed the sentiments offered by Director Rego denoting all recommendations are great projects; however, he encouraged the expeditious initiation of the Next Step Homeless Services and Housing Authority projects.

Mayor McGill also conveyed much appreciation for the work associated with the proposed recommendations and specifically acknowledged the time of CDAC Chairperson Genia Smith.

*Note: Director Catsavis temporarily left the meeting and was not present at the time of the below vote.*

The motion remaining on the floor, and the members present all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-71-22.

Item No. 4 was an ordinance ordering the owners of certain dilapidated and substandard structure to demolish same, authorizing the City Administrator to cause the demolition of such structure to occur, and for other purposes (*7901 Joseph Street*) (*Building Services*).

Director of Building Services Jimmie Deer briefed the Board on the item advising the structure has been damaged and/or deteriorated to a condition that has caused the

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Building Safety Division to declare the structure as unsafe and detrimental to the public welfare. As required, the owner of the property has been duly notified of the proposed action via certified mail and by posted letters on the structure. The Neighborhood Services Division has an open court case on the property, which has resulted in eleven (11) court dates; however, nothing has been accomplished. Due to such, District Court Judge David Saxon authorized initiation of the proposed action. There is no water service provided to the structure, and the City currently maintains multiple outstanding cleanup liens on the property. Upon approval, the owner will have thirty (30) days to demolish the structure. If such is not accomplished, the City of Fort Smith will initiate the process to ensure demolition is completed.

Martin, seconded by Catsavis, 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. Prior to the reading of the ordinance by caption, the City Clerk denoted the ordinance contained the incorrect address of 7900 Joseph Street citing such should be 7901 Joseph Street.

Morton, seconded by Martin, moved to amend the ordinance to correct the address from 7900 Joseph Street to 7901 Joseph Street. The members present all voting affirmatively, the Mayor declared the motion carried and the ordinance stood amended.

Prior to the vote, Director Rego inquired of the estimated cost to demolish the structure. He conceded that the City has provided more than adequate time for the owner to bring the property into compliance; therefore, he urged approved of the item.

Mr. Deer advised bids must be acquired; however, staff estimates such could cost \$4,000 to \$5,000.

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Director Morton concurred that City staff and the Judge have been extraordinarily patient; therefore, he spoke in favor of demolition of the structure.

Director Martin requested a brief explanation of the process to ensure demolition, as well as the process for placement of a lien on the property and potential reimbursement for the associated costs.

Mr. Deer and City Clerk Sherri Gard provided the requested explanations advising if the City accomplishes the demolition, a lien will be filed and the City will then provide a statement to the property owner for said cost. In the event the property owner does not reimburse the City, said lien will be included in the annual ordinance to certify delinquent property cleanup liens to the Sebastian County Tax Collector for collection. Said lien, plus a ten-percent (10%) penalty will be added to the property tax statement. If the lien and taxes are not paid, the property could then be forfeited to the Commissioner of State Lands and sold at public auction whereby the liens could be recovered from said sale.

The motion remaining on the floor, and to accommodate the required reading of the ordinance, the City Clerk read the ordinance by caption for its readings. The members present all voting affirmatively, the Mayor declared the motion carried. Catsavis, seconded by Morton, moved adoption of Section 4 the emergency clause. The members present all voting affirmatively, the Mayor declared the motion carried and the ordinance and emergency clause were adopted and the ordinance was given Ordinance No. 38-22.

Item No. 5 was a resolution to accept the bid and authorize a contract for the construction of the 2022 Sidewalk Program, Phase B, Project No. 22-20-B (\$1,490,722.50 / Street Department / Budgeted - Outside Services).

Director of Streets and Traffic Control Matt Meeker briefed the Board on the item

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advising the proposed authorizes a contract for replacement of approximately 20,275 linear feet of damaged sidewalk at various locations within the city. The low bid of Forsgren, Inc. is \$440,722.50 higher than the \$1,050,000.00 that was originally budgeted for the subject project; however, even with the additional cost, the Street Department's fund balance will still be at approximately fifty-percent (50%) for the year. The estimated notice to proceed is set for May 31, 2022 with an estimated completion date of May 25, 2023.

Catsavis, seconded by Martin, moved adoption of the resolution. Prior to the vote, Director Martin inquired about the original cost estimate and certain details and locations of the project whereby Mr. Meeker provided accordingly.

Director Morton simply noted such a "*great project*" conveying much confidence residents will most appreciate.

The motion remaining on the floor and the members present all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-72-22.

The consent agenda (Item No. 6) was presented for approval, the items being as follows:

- A. Resolution authorizing change orders to the Solid Waste CNG Fuel Station Project (\$73,615.31 / *Solid Waste Services Department / Budgeted - Solid Waste Sinking Fund*) ♦ *Future Fort Smith Item*
- B. Resolution authorizing final payment and declaring the Solid Waste CNG Fuel Station Project Complete (\$309,539.24 / *Solid Waste Services Department / Budgeted - Solid Waste Sinking Fund*) ♦ *Future Fort Smith Item*

Deputy City Administrator Jeff Dingman requested Item No. 6B be withdrawn from consideration citing such will be presented at a later date.

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Martin, seconded by Morton, moved adoption of the remaining, solitary consent agenda item, i.e. Item No. 6A. Prior to the vote and regarding said item, Director Morton acknowledged the cost for electrical work exceeded \$400,000; therefore, he requested a brief explanation.

Mr. Dingman advised it was determined that an existing power pole and transformer must be removed and relocated, which resulted in the necessity for the project to be redesigned. The aforementioned amount includes the cost associated with the required redesign, replacement materials, and construction.

The motion remaining on the floor and the members present all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-73-22.

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

▶ Director Morton

Re: Regarding the upcoming May 24, 2022 special election in which the electorate will consider renewal of the existing 0.25% Sales and Use Tax for Fire Department, and Parks Department purposes; and, the potential continuation of a 0.75% Sales and Use Tax for Police Department and Consent Decree purposes, he advised that a Sales Tax Information and Feedback Meeting has been scheduled for 6:00 p.m., Monday, May 9, 2022 at the Arkansas Colleges of Health Education (ACHE), Arkansas College of Osteopathic Medicine Building, Boreham Lecture Hall, 7000 Chad Colley Boulevard. He invited all interested parties to attend.

▶ Director Dawson

Re: 1. Reminded all of the forthcoming Levitt Amp Fort Smith Music Series, which provides ten (10) family-friendly concerts free of charge. Such will begin on May 12 and concerts will be held downtown at 121 Riverfront Drive.

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2. Announced the Chaffee Crossing Farmers and Artisans Market, which includes a lot of vendors, food, and entertainment, is held on the second Saturday of each month, May through October. The 2022 season starts May 14; therefore, she encouraged all to attend citing it's "*great for families.*"

▶ Director Martin

Re: Encouraged all to attend the Sales Tax Information and Feedback Meeting scheduled for May 9 at ACHE, as denoted by Director Morton, citing the "*alternative is not good*" if the subject Sales and Use Taxes are not approved.

Mayor McGill added the forthcoming proposed Sales and Use Tax measures are a tremendous investment citing the city of Fort Smith must prepare for the future by ensuring adequate infrastructure, park amenities, and public safety to all residents. Voter approval of the measures will secure necessary funding for such, and the proposed meeting will provide the pertinent information so residents may make an informed decision before casting their vote at the special election on May 24, 2022.

▶ Administrator Geffken

Re: 1. As noted by Director Dawson, he reiterated the Levitt Amp Fort Smith Music Series will occur every Thursday from May 12 through July 14, 2022. He simply added that said event is sponsored by The Levitt Foundation, City of Fort Smith, 64.6 Downtown, The Dream Alliance, and Choctaw Casino & Resort, etc.

2. With regard to the appeal of court action associated with the Consent Decree, he simply advised no judgment has been received as of yet; however, there has been some communication with the Department of Defense and a conference call is scheduled for Friday, May 6, 2022.

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3. Regarding 3600 Kinkead, he provided a brief update citing actions have been taken and abatement of code violations is anticipated to begin soon. Communications have also taken place with the finance company that holds the mortgage on the property, who has indicated they will pay the cost of abatement. Regardless, they have also requested the City delay any demolition action citing hope that the property can soon be sold.

Director Rego encouraged the City to ensure progress is maintained so residents may see abatement is being accomplished.

There being no further business to come before the Board, Catsavis 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 7:23 p.m.

**APPROVED:**

  
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**VICE-MAYOR**

**ATTEST:**

  
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**CITY CLERK**