

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ JUNE 7, 2022 ~ 6:00 P.M.

BLUE LION, 101 NORTH 2ND STREET

The meeting was called to order by Mayor George McGill, presiding. Invocation was given by Director of Utility Lance McAvoy, followed by the Pledge of Allegiance led by Director Lavon Morton.

On roll call, the following members of the Board were physically present: Directors Jarred Rego, Andre' Good, Lavon Morton, George Catsavis, Robyn Dawson, Kevin Settle, and Neal Martin. 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 May 17, 2022 regular meeting and May 23, 2022 special meeting were presented for approval. Catsavis, seconded by Good, moved adoption of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

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: General Commercial to Residential Detached / Rezoning: Commercial Heavy (C-5) to Residential Single Family Medium/High Density (RS-3) at 1224 School Street (Planning)*).

Director of Development Services Maggie Rice briefed the Board on the item advising such is per the requests of Jerry and Nancy Ray, owners. The subject property is located on the southeast corner of United States Highway 271 and School Street, and

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contains an area of 0.43 acres. The purpose of the proposed amendments are to facilitate the sale of the existing single-family residence. A neighborhood meeting was held on April 27, 2022 with one (1) neighboring property owner in attendance, who was in support of the proposed. The Planning Commission held a public hearing on May 10, 2022 with no individual present to speak in opposition. The Planning Commission voted six (6) in favor and zero (0) opposed to recommend the proposed amendments to the Board of Directors for consideration.

Morton, seconded by Settle, 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 and because there's no intent to change the current residential use, Director Settle questioned the purpose of the proposed zone change.

Mrs. Rice advised the area was initially anticipated to be developed for commercial uses; however, such did not come to fruition whereby the subject property was utilized for residential purposes. The owner desires to sell the property and in order to ensure the structure retains its residential use, the proposed amendments will accommodate such and assist with requirements of a new mortgage.

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. 41-22.

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Item No. 2 was an ordinance amending the 2019 Unified Development Ordinance of the City of Fort Smith ~ *Single-family dwelling access on classified streets* ~ (Planning).

Mrs. Rice briefed the Board on the item advising the proposed amendment to the Unified Development Ordinance (UDO) allows single-family homes to have access to a classified street. Currently, the UDO does not allow single-family structures to have access to any classified street, which has resulted in eight (8) subdivision variance requests submitted to the Planning Commission whereby all were granted. The proposed amendment will eliminate the aforementioned and allow the property to continue in the process without requiring an additional Planning Commission consideration. The Planning Commission held a public hearing on May 10, 2022 regarding the proposed, and voted six (6) in favor and zero (0) opposed to recommend such 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. Prior to the vote, Director Morton conveyed surprise that the proposed was not already in place and requested a brief explanation.

Mrs. Rice simply reiterated much of the aforementioned briefing information emphasizing that the proposed amendment only impacts single-family dwellings and will reduce the amount of variance requests presented to the Planning Commission for consideration.

The motion remaining on the floor and the members all voting affirmatively, the

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Mayor declared the motion carried. Settle, seconded by Catsavis, 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. 42-22.

Item No. 3 was a resolution to adopt a partnership to bring the Jean-Michel Basquiat and local artist outdoor fitness courts to Fort Smith, Arkansas as part of the 2022 National Fitness Campaign (*Mayor's Office*).

Assistant to the Mayor Jurena Storm briefed the Board on the item advising the National Fitness Campaign (NFC) provides outdoor fitness equipment to communities across the United States by application and award. The application process is by invitation only and NFC chooses ten (10) cities per year. The City of Fort Smith received the invitation to apply for such due to the impact of the numerous public art pieces associated with the Unexpected Project. Not only did the City receive the award to install an Outside Fitness Court featuring Jean-Michel Basquiat Artwork, the City also received a grant to install a second fitness court that will feature the artwork of a local artist. Since the COVID-19 Pandemic, more and more people are searching for outdoor fitness facilities. Working-out outdoors lowers the risk of contracting the COVID-19 virus versus working-out in a conventional gym setting. The opportunity to offer more and different amenities to the community is exciting; however, the initial amount needed to fund both fitness courts is approximately \$425,000. Said amount was not budgeted for the 2022 fiscal year; therefore, fundraising is a must. The City of Fort Smith will be responsible for maintenance costs. In five (5) years, the Board of Directors will make a decision on the licensed artwork whereby

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the City may re-license for another artist or another Basquiat piece; the City can secure a local artist to create something special; or, the City may purchase standard (template) artwork from the NFC. Regardless, the Mayor's Office has begun the fundraising process and has thus far secured \$250,000 from two (2) donors. Due to such, the Basquiat piece is fully-funded. It is the hope of the Mayor's Office that the Board will see the value of the aforementioned amenities, which will not only increase tourism, but also creates a healthier community.

Settle, seconded by Catsavis, moved adoption of the resolution. Prior to the vote, Director Morton inquired if the proposed location for the Outdoor Fitness Courts have been determined.

Mrs. Storm advised no definitive determinations have been made; however, such are proposed for locations near the Arkansas Colleges of Osteopathic Medicine's Wellness Center, the new dog park, and the Bike and Skate Park downtown.

Director Good extended much appreciation for the "*job well done*" regarding the overall project, as well as the fundraising efforts to ensure funding is available to proceed. He recently attended a Zoom meeting that provided a detailed explanation of the project whereby he spoke in favor of the project. Such will not only bring valuable art to the community, but will also promote a healthy lifestyle. He further inquired about the average cost of art by Jean-Michel Basquiat.

Mrs. Storm clarified the City will not purchase the artwork, but will only purchase a license to display the artwork, which said license is approximately \$220,000. The artwork value is high and on display in New York, and such is printed only on high-end merchandise such as Coach and Michael Kors handbags.

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Mayor McGill clarified that some of Jean-Michel Basquiat art has been purchased from \$5 to \$10 million.

Director Martin also spoke in favor of the proposed citing such is adds to the city and draws the eye and attention of those outside Fort Smith. He further noted such is a “*cool opportunity*” for the city.

Director Settle noted that he, too, attended the aforementioned Zoom meeting whereby a video was presented, which he requested said video be shared with residents of Fort Smith.

The motion remaining on the floor and the members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-82-22.

Item No. 4 was a resolution authorizing the submission of a grant to the Federal Emergency Management Administration (FEMA) for the acquisition of properties in the floodplain (*Administration*).

Administrator Geffken and Tracee McKenna with Western Arkansas Planning and Development District (WAPDD) briefed the Board on the item advising the Mayor and Board of Directors have expressed concern regarding the impact of flooding to residents on the north side of Fort Smith. The primary method to address the flooding is to build a very large and expensive infrastructure to accommodate the millions of gallons of water; however, another means to address flooding is to purchase the homes located within the floodplain. Ms. McKenna and Ashley Garris with WAPDD have completed a grant application on behalf of the City and have met with residents that are willing to consider

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selling their homes. If the City is awarded the subject grant, WAPDD will work with the homeowners and help them through the sale process. The homeowner is not required to sell their home and can choose to retain ownership at any time in the process. If the homeowner does sell their property, the grant will pay for demolition of the structure, as well as the restoration of the land. The City will own the property once the sale, demolition, and restoration are completed; however, will be building restrictions associated with the property. Restoration of the land removes impervious cover that prohibits water from being absorbed by the ground thereby reducing flooding. Beside the subject grant, the City of Fort Smith Engineering Department budgets \$250,000 annually to purchase homes in the floodplain. The aforementioned budgeted funds will be utilized for the City's share of the grant.

Morton, seconded by Settle, moved adoption of the resolution. Prior to the vote, there was lengthy discussion with multiple inquires conveyed, i.e. how many properties, if there's a time-line to complete the purchase, if the City may opt to purchase another property if a property owner in the subject area opts to not sell their property, if other potential areas can be considered, if demolition of structures is required or if a structure can be relocated, and if said process has been utilized in the past to acquired floodplain properties in the past, etc.

Administrator Geffken and Ms. McKenna responded to each inquiry advising the proposed grant authorizes the acquisition of twelve (12) properties, which can be selected in different locations. Upon receipt of the grant, the City has three (3) years to complete the acquisition, which provides adequate time for the current property owner to relocate, and

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said funding also provides rental assistance and funding to assist with said relocation. If a property owner first agrees to the acquisition, but then decides not to participate, another property may be selected to fulfil the 12 property quota. Other areas for property acquisition can be considered as long as they're located in the floodplain. With regard to demolition versus relocation, much confidence was conveyed that a property could potentially be relocated rather than demolished if requested.

Regarding past acquisition of properties of like-nature, Director of Engineering Stan Snodgrass confirmed that the City acquired multiple properties in the Briarcliff area in 2004 - 2005 timeframe due to extensive flooding issues.

The motion remaining on the floor, the members all voting affirmatively with the exception of Director Catsavis, who voted "no." The Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-83-22.

Item No. 5 was a resolution authorizing the City Administrator to accept an offer made by property owners for the acquisition of easements in connection with the Sub-Basin S004 Sewer Main Realignment, Rogers Avenue - Waldron to South 56th Street (\$28,000.00 / Utility Department / Budgeted - 2018 Revenue Bonds) ♦ *Future Fort Smith Item*
● *Consent Decree Item*

Director of Utility Lance McAvoy briefed the Board on the item advising the subject project, known as Sub-Basin S004 Sewer Main Realignment, Rogers Avenue - Waldron to South 56th Street, is needed to correct a reoccurring Sanitary Sewer Overflow (SSO) near the corner of Rogers Avenue (Arkansas Highway 22) and South 56th Street. The project will also realign several sections of sanitary sewer main outside of the Arkansas

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Department of Transportation (ARDOT) right-of-way. Such required the acquisition of two (2) sewer line easements, i.e. one (1) on the old Regions Bank property located at 5400 Rogers Avenue, owned by Rodney Ghan through his LLC "5400 Development LLC" and the other on the Randall Ford property owned by the Holley family. The appraised value of the easements, as established by Tommy Matthews, are \$7,000 and \$6,000 respectively. Upon extension of offers to the property owners, staff were presented with evidence from both owners that Tommy Matthew's appraised values were too low by half. Mr. Ghan presented an executed real estate contract to sell 5400 Rogers Avenue to a property developer for \$32 a square foot while the City's appraisal valued the land at \$16 a square foot. Similarly, the Holley's provided an appraisal from 2019 valuing their property at \$3.4 million while our appraisal valued the property at \$1.4 million. The property owners are asking for \$14,000.00 each instead of the \$7,000 and \$6,000 the City has offered. Because of the project's scheduling and cost of eminent domain proceedings likely exceeding the increased payment, staff recommends approval of the proposed.

Morton, seconded by Settle, moved adoption of the resolution. Prior to the vote, Director Settle inquired of the cost of the subject project.

Mr. McAvoy advised the engineers estimate ranged from \$500,000 to \$1.2 million whereby the major cost fluctuation was due to the inclusion of boring under the roadway, which increases the cost.

Director Dawson noted that Randall Ford is the 4th oldest Ford dealership in the nation, and urged the importance of ensuring the business is not detrimentally impacted by the project. She further inquired if the Holley family, who owns the property, is amenable

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to the proposed, the length of the project, and if partial lane closures will be required.

Mr. McAvoy confirmed the Holley family has conveyed no opposition to the proposed; completion of the project is anticipated in ninety (90) days; and, partial lane closures will be required.

Director Martin urged the importance of proper notification of the forthcoming lane closures and, at the advise of Administrator Geffken, encouraged all to sign-up to receive govDelivery notifications from the City of Fort Smith.

The motion remaining on the floor and the members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-84-22.

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

- A. Resolution to accept the bid and authorize a contract for the "J" Street Stormdrain Rehabilitation, Project No. 20-06-F (\$623,168.00 / Engineering Department / Budgeted - Sales Tax Program) ♦ Future Fort Smith Item
- B. Resolution authorizing Amendment No. 1 to the engineering services agreement for the "J" Street Stormdrain Rehabilitation, Project No. 20-06-F (\$56,520.00 / Engineering Department / Budgeted - Sales Tax Program) ♦ Future Fort Smith Item
- C. Resolution authorizing Change Order No. 1 for a time extension and assessing liquidated damages for the 2019 Drainage Improvements, Phase B, Project No. 19-06-B (add 243 days / \$60,500.00 liquidated damages / Engineering Department / Budgeted - Sales Tax Program) ♦ Future Fort Smith Item

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- D. Resolution accepting completion of and authorizing final payment for the 2019 Drainage Improvements, Phase B, Project No. 19-06-B (\$49,514.41 / *Engineering Department / Budgeted - Sales Tax Program*) ♦ *Future Fort Smith Item*
- E. Ordinance authorizing the renewal of a software acquisition and maintenance contract with Microsoft Leasing, GP (\$227,170.10 / *Information Technology Department / Budgeted - Operating Fund*)
- F. Resolution authorizing a change order for a time extension, 2021 Street Striping Replacement, Project No. 21-85-A (*add 97 days / Streets and Traffic Control Department*)
- G. Resolution accepting completion of and authorizing final payment for the 2021 Street Striping Replacement, Project No. 21-85-A (\$20,212.57 / *Streets and Traffic Control Department / Budgeted - Sales Tax Program*)
- H. Resolution to accept the bid and authorize a contract for the construction of the 2022 Carol Ann Cross Drainage Improvements, Project No. 22-06-C (\$365,086.00 / *Streets and Traffic Control Department / Budgeted - 2022 Operating Funds*)
- I. Resolution to accept the bid and authorize a contract for construction of the 2022 Traffic Signal Improvements, Phase B, Project No. 22-09-B (\$614,000.00 / *Streets and Traffic Control Department / Budgeted - Sales Tax Program*)
- J. Resolution authorizing the execution of a non-residential solid waste collection and disposal permit and agreement for KL Dumpsters, LLC (*Solid Waste Services*)
- K. Resolution authorizing Change Order No. 4 to the contract with Thomas Electric, Inc. for the installation of a generator at the Transit Office Facility located at 6821 Jenny Lind Road, Project No. 20-078 (*add 51 days / Public Transit Department / Budgeted - Capital Outlay, Improvements Other*)
- L. Resolution accepting completion of and authorizing final payment to Thomas Electric, Inc. for the installation of a generator at the Transit Office Facility located at 6821 Jenny Lind Road, Project No. 20-078 (\$136,590.00 / *Public Transit Department / Budgeted - Capital Outlay, Improvements Other*)

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- M. Resolution accepting the bid and authorizing the purchase of up-fitting equipment for six (6) police vehicles (\$77,652.50 / Police Department / Budgeted - Capital Outlay, Vehicles)

Morton, seconded by Settle, moved adoption of all consent agenda items. Prior the vote and regarding Item No. 6A, Director Morton simply noted the difference in bid amounts submitted were “*striking*”; therefore, he requested a brief explanation. He also requested a brief explanation as to why it’s not practical to run a line from Howard School.

Mr. Snodgrass confirmed such citing the project requires specialized expertise citing local bidders would have to sub-contract the work, which most likely increased the cost of their bid. The proposed vendor or low bidder performs such projects on a regular basis, which allows them to complete project at a lower cost. With regard to design of the project, the proposed is the most effective. If such were to run from Howard School, due to topography, a depth of forty (40) feet would be required all the way to the river. Such would increase the cost exponentially; therefore, the proposed is the most cost effective and financially feasible option for the project.

With regard to Item No. 6C and 6D, Director Morton acknowledged the project was completed approximately \$1 million under budget whereby he simply stated, “*excellent work.*”

Regarding Item No. 6E, Director Morton noted the cost has increased from the previous agreement; therefore, he questioned what prompted the increase.

Interim Director of Information Technology Steve Dimmitt noted the proposed now includes both City of Fort Smith as well as the Fort Smith Police Department, which was previously billed separately. Additionally, the City opted to change certain types of licenses to ensure adequate service.

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With regard to Item No. 6H, Director Morton noted the difference in bid amounts and requested a brief explanation.

Director of Streets and Traffic Control Matt Meeker confirmed such was based on the engineer's estimate from 2021; however, he conveyed much assurance that the difference is "*not uncommon.*"

Director Martin requested a brief explanation of the project.

Mr. Meeker advised the existing segmental block inlet channel to Carol Ann Cross Lake washed out during three (3) separate rainfall events and has become a maintenance issues. The proposed project includes replacement of the segmental block inlet channel with a reinforced concrete channel north of the bridge.

Regarding Item No. 6L, Director Morton questioned if the Transit Department conducts regular testing of the generator.

Director of Public Transit Ken Savage confirmed that regular testing is performed and such occurs every Wednesday.

Director Martin inquired if the proposed generator will power all Transit facilities whereby Mr. Savage indicated such will ensure power at 6821 Jenny Lind Road.

The motion to adopt the consent agenda remaining on the floor and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance and resolutions were adopted with the ordinance given Ordinance No. 43-22 and the resolutions given Resolutions No. R-85-22 through R-96-22 respectively.

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

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▶ Mayor McGill

- Re:
1. Noted the recently held Old Fort Days Rodeo was a great success.
 2. In recognition of Juneteenth, a production of *Raisin in the Sun* will be performed at 7:00 p.m., Saturday, June 18, 2022 at the ArcBest Performing Arts Center at the Fort Smith Convention Center.
 3. Reminded all of the 2002 Levitt Amp Music Series, which consists of concerts scheduled every Thursday evening from May 12 through July 14 at the Downtown Riverfront.
 4. Announced the F35 Training Mission is “*well on track*” citing he, along with other representatives of the city of Fort Smith, recently visited the Lockheed Martin Corporation plant in Texas, who make the F35 aircraft. A final determination if Fort Smith will be selected site for the training project is expected by March 2023, with flight training anticipated to begin as early as June 2023. Such will result in a \$1 billion economic impact to the city; therefore, he advised the City of Fort Smith is doing all it can do to ensure Fort Smith is the selected site for the project.

▶ Director Martin

- Re:
1. Regarding the widely known and forthcoming demolition of the St. Scholastica Monastery, he noted that many have reached out and conveyed interest in saving the structure. Due to such, he inquired if the City has anything to report regarding the matter.

Mayor McGill indicated that contact has been made with the State of Arkansas, along with other organizations, to save the structure; however, the matter is ultimately the decision of the Sisters.

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Director Good urged all to remember the Sisters have had a hard time in making the decision to demolish the structure; therefore, he simply extended much appreciation to the Sisters for their service to the city.

Administrator Geffken noted that all indications are that the demolition will proceed, as well as an asbestos survey; however, if anything changes, he will advise.

2. Due to passage of the recent 0.25% and 0.75% sales and use tax measures at the May 24, 2022 special election, he inquired when the Sales Tax Review Committee is scheduled to meet.

Administrator Geffken advised the effective dates of the aforementioned are October 1, 2022 and January 1, 2023; therefore, the first meeting will likely be scheduled for the first quarter of 2023.

▶ Director Settle

Re: Simply extended much appreciation to residents of Fort Smith for passage of the aforementioned 0.25% and 0.75% sales and use tax at the May 24, 2022 special election citing such will allow the City to “continue good work” for all residents of the city.

▶ Director Dawson

Re: 1. Noted that she was contacted by a concrete truck driver, who has expressed great concern with multiple fatality accidents on Zero Street near Ben Geren. The speed limit is fifty (50) miles per hour, whereby it was requested that such be reduced. The subject roadway is a State Highway; therefore, they regulate the speed. Regardless, the City may submit a letter requested the matter be reviewed for potential speed reduction; therefore, she inquired if the Board would concur that said review be requested. The Board conveyed concurrence; therefore, such will be accomplished.

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2. Announced that Mr. Phoenix Vu, a political science major is serving as an intern with the City. Due to such, she urged members of the Board to spend time with Mr. Vu.

Director Rego simply extended a heartfelt welcome to Mr. Vu.

▶ Director Catsavis

Re: Noted that gasoline prices are consistently increasing with some area as much as \$6 to \$7 per gallon. He alleged the City of Fayetteville is paying \$900 to \$1,250 per month for an auto allowance to their elected officials; however, the City of Fort Smith only receives \$400 per month. Due to such, he offered a motion to place an ordinance on a future agenda to increase the City of Fort Smith Board of Directors auto allowance by \$400 per month.

There was no second to the motion; however, prior to Board consideration, Director Morton recommended a survey of other similarly sized municipalities be conducted to determine what other cities are providing.

Director Rego extended much respect to Director Catsavis; however, he spoke in direct opposition to the proposed citing he would not support such, especially without a vote by residents of the city.

Administrator Geffken advised he will initiate a survey with other municipalities for both auto allowance as well as salary.

Director Settle noted that the Arkansas Municipal League recently conducted a study regarding same and urged Administrator Geffken to inquire.

▶ Director Morton

Re: 1. Extended congratulations to Mayor George McGill upon being declared elected for another four (4) year term.

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2. Also conveyed much appreciation to the voters of Fort Smith for passage of the 0.25% and 0.75% sales and use tax measures at the May 24, 2022 special election.
3. Denoted the need for another Strategic Planning Meeting and urged such be scheduled in July.
4. Offered a motion to place a performance evaluation of the City Administrator and Internal Auditor on the July 12, 2022 regular meeting agenda. The motion was seconded by Director Martin; therefore, such will be added to the agenda as requested.
5. Requested an update regarding the progress of the 2021 Audit.

Administrator Geffken simply advised the draft is anticipated tomorrow, i.e. June 8, 2022.

▶ Director Rego

- Re:
1. Also extended congratulations to Mayor McGill upon being declared elected for another four (4) year term.
 2. Conveyed congratulations to Klein Tools, Inc., who is sixty-five percent (65%) female owned, for their recent achievement of three (3) million work hours without a lost-time injury.

▶ Administrator Geffken

Re: Noted that an item was formally placed on a future agenda, i.e. Discussion regarding new digital payment system for utility billing ~ Martin/Settle placed on future study session at the May 17, 2022 regular meeting ~. A special meeting was called for May 23, 2022, which addressed the matter; therefore, since the aforementioned was formally placed, he requested the matter be formally removed.

Martin, seconded by Morton, requested the above noted item be removed from future consideration.

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There was no objection conveyed; therefore, the item will be removed as requested.

Note: Director Catsavis left the meeting prior to completion of the Officials Forum; therefore, he was not present for the below noted adjournment.

There being no further business to come before the Board, Director Morton moved that the meeting adjourn. The motion was seconded by Director Settle. The members present all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 7:44 p.m.

APPROVED:


MAYOR

ATTEST:


CITY CLERK