

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

**TUESDAY ~ AUGUST 16, 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 Mayor McGill, 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, Kevin Settle, and Neal Martin. Director Andre' Good arrived immediately following approval of the minutes. 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 August 2, 2022 regular meeting was presented for approval. Catsavis, seconded by Settle, moved adoption of the minutes as written. The members present all voting aye, the Mayor declared the motion carried.

As requested by Directors Settle and Martin at the August 2, 2022 regular meeting, Mr. Trent Goins, organizer of the Peacemaker Festival, addressed the Board. He provided a PowerPoint presentation that contained various information and statistics regarding the event, which was held on July 29 and 30, 2022 and drew a record crowd. Most notably, it's estimated that the event resulted in an economic impact of \$3.78 million to the city.

Directors Rego, Dawson, Martin, Morton, Settle and the Mayor all extended much appreciation to Mr. Goins for the presentation, as well as for the organizations commitment

***August 16, 2022 Regular Meeting***

to bring quality entertainment to the city. It was further noted that such is a well organized, much anticipated, and highly attended event for the city that attracts individuals from all around the region and nation.

Item No. 1 consisted of the following items regarding right-of-way and easement abandonments in 6200 Phoenix Addition:

- A. Public hearing and ordinance entitled, an ordinance to close and vacate a portion of public right-of-way located in 6200 Phoenix Addition, an addition to the City of Fort Smith, Arkansas (*Planning*)
- B. Ordinance to abandon a portion of a public utility easement Located in 6200 Phoenix Addition, an addition to the city of Fort Smith, Sebastian County, Arkansas (*Planning*)

Director of Development Services Maggie Rice briefed the Board collectively advising both items are per the application and request of Blake Peacock with Hawkins-Weir Engineers, agent for Rodney Ghan with Funding Source One, LLC. Regarding Item No. 1A, such authorizes the abandonment of a portion of South 62<sup>nd</sup> Street right-of-way, which contains approximately 3,672 square feet and is located on the south side of Phoenix Avenue, east of Allegiance Boulevard and Phoenix Place. The configuration of South 62<sup>nd</sup> Street was revised to align with Phoenix Place to allow connectivity between the applicant's property and the property to the west. All franchise utilities, pertinent City departments, and property owners within three-hundred (300) feet of the subject area whereby no objections or comments have been received regarding the proposed abandonment.

With regard to Item No. 1B, Mrs. Rice advised such authorizes the abandonment

***August 16, 2022 Regular Meeting***

of approximately 879 square feet of an existing ten (10) feet of public utility easement. When South 62<sup>nd</sup> Street was reconfigured to align with Phoenix Place, a small portion of the utility easement was no longer needed. All franchise utilities and pertinent City departments were contacted and no objections to the proposed was received.

Regarding Item No. 1A, Mayor McGill announced this was the time and place set for a public hearing regarding the proposed abandonment of a portion of South 62<sup>nd</sup> Street right-of-way. Notice of the public hearing had been duly published as required by law. Following the public hearing, the ordinance authorizing same would be given.

There being no individual present to address the Board, the Mayor formally closed the public hearing.

Morton, seconded by Settle, moved adoption of the ordinance (Item No. 1A). 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 merely spoke in favor of the item citing he's glad to see the forthcoming development.

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 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. 60-22.

Settle, seconded by Catsavis, moved adoption of the ordinance (Item No. 1B). There being no director commenting and the members all voting affirmatively, the Mayor

***August 16, 2022 Regular Meeting***

declared the motion carried and the ordinance was adopted and given Ordinance No. 61-22.

Item No. 2 was an ordinance amending the 2020 Limited Claims Policy adopted by Ordinance No. 95-20 to allow limited claims related to damage caused by fallen trees in the city rights-of-way ~ *Morton/Martin placed on agenda at the July 12, 2022 regular meeting ~ (Administration)*

Deputy City Administrator Jeff Dingman briefed the Board on the item advising the 2020 Limited Claims Policy was adopted by Ordinance No. 95-20 on October 10, 2020. As a result of recent discussions of a citizen's concern related to a tree in the right-of-way falling and damaging personal property (a fence), the City Attorney drafted the proposed ordinance adopting an amendment to the tort claims policy. The City is generally immune from liability; however, the City may adopt a policy accepting liability for certain types of claims and within stated limits, which it has done. The proposed amendment to the claims policy specifically allows consideration of claims resulting in property damage from trees falling from City controlled rights-of-way arising from the negligent actions of City employees in failing to remove diseased or damaged trees from the right-of-way. The policy also provides that claims for fallen tree damage on a single property shall be consolidated and handled as one claim subject to a limitation of \$500.00. Such claims would be paid from the Neighborhood Services program budget, funded by the Cleanup/Demolition fund.

Martin, 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

***August 16, 2022 Regular Meeting***

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 inquired of the definition of a right-of-way and confirmation that if any tree located in a street or alley right-of-way falls, the City could be required to pay the proposed \$500.

Mr. Dingman advised a right-of-way is associated with a street or alleyway, and upon approval, he extended confirmation that if a tree falls, the City could be required to pay the aforementioned amount.

There was much discussion with all directors, except Director Catsavis, submitting clarifying questions regarding the proposed amendment. There was also a recommendation that Solid Waste Services staff report any tree that appears to be in poor condition so the City may be proactive and initiate removal of the tree prior to such falling. The Board concurred that claims be considered on a case-by-case basis and clarification was provided that claims will be submitted to the Director of Utility for consideration.

City Attorney Jerry Canfield also provided clarification that cities are immune from liability; however, he conceded that the City may assume responsibility in the event it's determined that the tree fell due to the fault of the City.

Mr. Dingman further clarified that property owners retain the responsibility of maintaining trees located in the adjoining right-of-way and Neighborhood Services will continue to enforce the aforementioned.

The motion to adopt the ordinance 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. 62-22.

***August 16, 2022 Regular Meeting***

Item No. 3 was a resolution directing staff to cease further construction bidding on all water projects and the water rate study pending a Board of Directors study session to review all of the requirements of the State of Arkansas Act 605 of 2021 ~ *Morton/Settle placed on agenda at the July 27, 2022 special meeting ~ (Utility)*

Director of Utility Lance McAvoy briefed the Board on the item advising at the July 27, 2022 special meeting, Directors Morton and Settle formally placed an item on the August 16, 2022 regular meeting agenda that will halt the Utility Water Rate Study and all water projects that would require a water rate study as required by Arkansas Act 605. As requested, the proposed item places on-hold the bidding of any project that would require a water rate study to be performed. Such includes any project that would exceed twenty-percent (20%) of the gross revenues of the provider for the immediately preceding fiscal year. Water projects already funded for design will continue as said costs are under the 20% mark. The City's current combined water construction projects do not exceed the 20% mark.

Morton, seconded by Rego, moved adoption of the resolution. Prior to the vote, Director Dawson spoke in favor of the item and, due to the importance of Act 605, she further recommended that a study session be scheduled to discuss requirements of the Act so the public may be properly educated.

City Administrator Carl Geffken advised that Directors Morton and Settle have already formally placed such on a future study session; however, he will move said item to the September 13, 2022 study session agenda.

Director Martin questioned if any current water projects exceed the noted 20%

**August 16, 2022 Regular Meeting**

threshold whereby Mr. McAvoy responded “no.” He further requested that staff provide a list of projects currently under design, as well as those initially proposed for construction.

Martin, seconded by Rego, moved to amend the resolution to add verbiage in Section 3 of the ordinance that bidding for water projects and resumption of the water rate study must be formally reinstated by Board approval. The members all voting affirmatively, the Mayor declared the motion carried and the resolution stood amended.

Directors Morton, Settle and Rego expressed concern with existing verbiage within Act 605 citing much of the language is unclear and in need of clarification. Due to such and the detrimental impact on multiple municipalities, much confidence was conveyed that the State Legislature will likely consider several amendments to the Act in the 2023 General Session.

Much concern was conveyed with the delay in projects and water rate study; however, no director noted objection to the proposed delay citing continuation such could prove to be detrimental. Regarding such, Director Settle inquired what would happen if the City was determined to be classified as being “*in fiscal distress*.” He further urged the City to invite representatives of the Arkansas Natural Resources Commission (ANRC) to address the Board at a future study session.

Mr. McAvoy advised that the City’s bonding agents could “*call the bonds*”, which would result in even greater fiscal distress for the City.

Director Morton recommended an Attorney General (AG) opinion be requested to provide some clarification to the Act’s language.

Mr. Canfield reminded all that AG opinions are not law; however, although such

**August 16, 2022 Regular Meeting**

would “give cover”, the best option would be to work with the ANRC legal counsel to obtain greater clarification of the Act’s requirements.

The motion remaining on the floor to adopt the ordinance, as amended, and the members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-126-22.

Item No. 4 consisted of ordinances regarding 2022 Operating Budget personnel requests ~ *Morton/Martin placed on August 2, 2022 regular meeting agenda at the July 27, 2022 Special Study Session/Mid-Year Budget Review, but moved to the August 16, 2022 regular meeting at the July 27, 2022 special meeting ~ (Finance)*, the items being as follows:

- A. Ordinance amending the 2022 Operating Budget and authorizing the appropriation of funds from the available General Fund balance for the 2022 Internal Audit personnel requests
- B. Ordinance amending the 2022 Operating Budget and authorizing the appropriation of funds from the available General Fund balance for the 2022 Human Resources personnel requests
- C. Ordinance amending the 2022 Operating Budget and authorizing the appropriation of funds from the available General Fund balance for the 2022 Planning and Zoning personnel requests
- D. Ordinance amending the 2022 Operating Budget and authorizing the appropriation of funds from the available General Fund balance for the 2022 Fire Department personnel requests
- E. Ordinance amending the 2022 Operating Budget and authorizing the appropriation of funds from the available Street Maintenance fund balance for the 2022 Streets and Traffic Control personnel requests

**August 16, 2022 Regular Meeting**

- F. Ordinance amending the 2022 Operating Budget for the 2022 Water and Sewer personnel requests
- G. Ordinance amending the 2022 Operating Budget and authorizing the appropriation of funds from the available General Fund balance for the 2022 Parks and Recreation personnel requests
- H. Ordinance amending the 2022 Operating Budget and authorizing the appropriation of funds from the available Solid Waste Fund balance for the 2022 Solid Waste Services personnel requests
- I. Ordinance amending the 2022 Operating Budget and authorizing the appropriation of funds from the available General Fund balance for the 2022 Transit personnel requests

Director of Finance Andy Richards briefed the Board on the items as discussed at the July 27, 2022 special study session / mid-year budget review, which consisted of new personnel requests that included the following:

- New and additional personnel along with one-time costs that may be associated
- Revisions and removal of current positions
- Reallocation of full-time equivalents (FTE)

Upon approval of the proposed, such will amend the 2022 Operating Budget as follows:

- A. Internal Audit - \$32,723
- B. Human Resources - \$32,375
- C. Planning & Zoning - \$3,016
- D. Fire Department - \$70,728
- E. Street & Traffic Control - \$60,646
- F. Utility Department – (\$5,891)
- G. Parks & Recreation - \$101,757
- H. Solid Waste - \$62,614
- I. Transit - \$19,267

The Mayor announced the items can be considered either collectively or individually

**August 16, 2022 Regular Meeting**

whereby after very brief discussion, the Board concurred to consider each item individually.

Morton, seconded by Rego, moved adoption of Item No. 4A. Prior to the vote, Director Settle requested confirmation that the City has extended a Request for Quote (RFQ) for an audit / assessment of the Information Technology Services (ITS) Department.

Administrator Geffken responded affirmatively citing such is anticipated to be a “seven figure process”, which will determine the proper structure for the department as identified and conveyed at an Audit Advisory Committee meeting.

Due to the aforementioned and in order to allow the newly appointed Director of ITS James Gentry to make necessary adjustments within the department, Director Settle recommended the matter be tabled pending completion of the aforementioned audit and departmental review.

Director Morton questioned the anticipated “seven figure process” and conveyed much assurance that the scope of the audit/assessment requested by the Audit Advisory Committee would cost much less than stated.

Director Settle offered a formal motion to table the item pending completion of the Information Technology Services audit / assessment. No second was offered; therefore, the Mayor announced the motion died for lack of a second.

The original motion to adopt Item No. 4A remaining on the floor, the members all voted affirmatively with the exception of Director Settle, who voted “no.” The Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 63-22.

Martin, seconded by Dawson, moved adoption of Item No. 4B. There being no

***August 16, 2022 Regular Meeting***

director commenting and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 64-22.

Catsavis, seconded by Dawson, moved adoption of Item No. 4C. There being no director commenting and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 65-22.

Rego, seconded by Morton, moved adoption of Item No. 4D. There being no director commenting and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 66-22.

Catsavis, seconded by Dawson, moved adoption of Item No. 4E. There being no director commenting and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 67-22.

Catsavis, seconded by Martin, moved adoption of Item No. 4F. There being no director commenting and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 68-22.

Morton, seconded by Settle, moved adoption of Item No. 4G. There being no director commenting and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 69-22.

Good, seconded by Settle, moved adoption of Item No. 4H. There being no director commenting and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 70-22.

Rego, seconded by Good, moved adoption of Item No. 4I. Prior to the vote and regarding the position of Civil Rights Officer, Director Martin expressed concern with approval of the subject position based on a preliminary audit finding.

**August 16, 2022 Regular Meeting**

Due to the aforementioned, Director Martin moved to table consideration of the item pending disclosure of the audit finding regarding the Civil Rights Officer. There was no second offered; therefore, the Mayor announced the motion died for lack of a second.

Directors Rego and Morton concurred that both positions, i.e. Civil Rights Officer and Chief Safety Officer (reclass of Driver Lead), are important citing the City would be well advised to approve both recommendations.

Director of Transit Ken Savage confirmed the recommendation was submitted based on the preliminary audit findings; however, staff opted to move forward with both positions.

Director Good concurred with Director Martin that the reason for necessity of a Civil Rights Officer should be provided; however, he conveyed no objection to the addition.

The motion to adopt Item No. 4I 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. 71-22.

Item No. 5 was an ordinance amending the 2022 Operating Budget and appropriating law enforcement stipend grant funds (*Finance*)

Mr. Richards briefed the Board on the item advising that on March 8, 2022, the Arkansas Governor signed the Arkansas Full-Time Law Enforcement Officer Salary Stipend Act of 2022. Under the Act, certified law enforcement receive a one-time \$5,000 salary stipend. Any additional stipends in future years will require new legislation. Eligible officers include those employed by the City as of July 1 and have completed a basic training program approved by the Arkansas Commission on Law Enforcement Standards

**August 16, 2022 Regular Meeting**

and Training, as well as work a minimum twenty-four (24) hours a week. The Fort Smith Police Department roster includes one-hundred-forty-two (142) eligible officers, which resulted in stipends totaling \$710,000. The Arkansas Department of Finance and Administration (DFA) has disbursed the funds to local law enforcement agencies and the City received \$764,315 in order to fund the stipends, plus the City's portion of social security and Medicare taxes. Eligible officers do not participate in social security benefits; therefore, the portion received by the City for the social security taxes (\$44,020) will be returned to the DFA. Upon approval, the proposed amends the 2022 Operating Budget to include \$720,295 in Arkansas Law Enforcement Stipend Grant revenues and expenditures.

Catsavis, seconded by Settle, moved adoption of the ordinance. Prior to the vote, Director Settle requested the 2022 Stipend information be included as a Note within in the 2023 Budget document.

Director Catsavis questioned how the police officers will receive their stipend.

Mr. Richards advised the Act requires that such be provided on the *"next payroll"* after receipt of the funds; therefore, such has already been disbursed to the eligible officers. The proposed ordinance merely completes the necessary action to appropriate the funding to the correct account codes in the Police Department's budget.

Director Morton requested confirmation that the subject stipend will be included on the police officers W-2 whereby Mr. Richards responded affirmatively.

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. 72-22.

**August 16, 2022 Regular Meeting**

Item No. 6 was an ordinance approving Wine Tasters Society of Arkansas, Inc. d/b/a La Bodega Bar to file an application with the Alcohol Beverage Control Division to obtain private club and retail beer licenses to sell liquor, wine and beer (3720 Midland Boulevard) (Finance)

Mr. Richards briefed the Board on the item advising the State of Arkansas 91st General Assembly passed Act 1112 in 2017 titled *“An Act to authorize the governing bodies of counties and municipalities to initiate the permitting process for private clubs; and for other purposes.”* Due to such, the application process for private club permits begin at the municipality level; therefore, the City of Fort Smith must pass an ordinance for approval of any new applicant that wishes to apply for a private club permit. The City received a request for such and below is the pertinent information:

Applicant Name: Drew Inthavong, Owner/ Operator  
Corporate Name: WineTasters Society of Arkansas, Inc.  
Business Name: La Bodega Bar operating at 3720 Midland Blvd

The private club permit will allow the sale of liquor, wine, and beer on premise. Business license staff has determined that the entity is in good standing with the City of Fort Smith and is ready to finalize the business license. They have applied for a 2:00 a.m. private club permit with the Arkansas Alcohol Beverage Control (ABC) office; therefore, he recommended approval.

Catsavis, seconded by Good, moved adoption of the ordinance. There being no director commenting and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 73-22.

## **August 16, 2022 Regular Meeting**

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

- A. Resolution authorizing the submission of a grant to the U.S. Department of Transportation for development of a Comprehensive Safety Action Plan (*Streets*)
- B. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Forsgren, Inc. for the Sub-Basin S004 Sewer Main Realignment, Rogers Avenue - Waldron Road to 56th Street (\$1,078,140.00 / *Utility Department / Budgeted - 6505 Capital Improvement Fund*) ♦ *Future Fort Smith Item*
- C. Resolution accepting Change Order No. 1 with ACS Playground Adventures, Inc. for construction of inclusive playground at Martin Luther King, Jr. Park (\$6,297.23 / *Parks Department / Budgeted - 1/8% Sales and Use Tax*)
- D. Resolution accepting completion and authorizing final payment to ACS Playground Adventures, Inc. for construction of inclusive playground at Martin Luther King, Jr. Park (\$41,956.58 / *Parks Department / Budgeted - 1/8% Sales and Use Tax*)
- E. Resolution authorizing the execution of a non-residential solid waste collection and disposal permit and agreement with Rubbish Removal Roll-Off Rentals, LLC d/b/a Arkansas Waste Solutions (*Solid Waste Services*)
- F. Resolution authorizing the execution of a non-residential solid waste collection and disposal permit and agreement with SRK Waste, LLC (*Solid Waste Services*)
- G. Ordinance declaring an exceptional situation and waiving the requirements of competitive bidding for the purchase of three (3) 2022 Chevrolet Tahoes for the Police Department (\$122,274.00 / *Police Department / Budgeted: 47010101-527500 Small Equipment*)

Catsavis, seconded by Morton, moved adoption of all consent agenda items. Prior to the vote and regarding Item No. 7A, Director Martin questioned if such is related to the recent “*accident study.*”

**August 16, 2022 Regular Meeting**

Director of Streets and Traffic Control Matt Meeker responded affirmatively advising such will essentially be an expansion of the accident study, just *“more analytical.”*

With regard to Item No. 7B, Director Martin noted one (1) bid was determined to be *“unresponsive”*; therefore, he requested a brief explanation.

Mr. McAvoy clarified the project was actually bid two (2) times with only one (1) bid received each time. Unfortunately, the first bidder did not meet the bid requirements thereby being designated as *“unresponsive.”* Regardless, the proposed is the lower than the singular bid received at the first bidding.

Director Morton simply extended much appreciation for *“not just accepting”* the first bid received.

Regarding Item No. 7G, Director Settle extended much appreciation to Police Chief Danny Baker for being proactive and actively searching for available police vehicles.

The motion to adopt the consent agenda remaining on the floor and the members voting affirmatively, the Mayor declared the motion carried and the ordinance and resolutions were adopted with the ordinance given Ordinance No. 54-22 and the resolutions given Resolutions No. R-127-22 through R-132-22 respectively.

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

► Mayor McGill

- Re:
1. Advised he recently met with visitors at various parks throughout the city whereby an individual from out-of-town simply stated that the parks in Fort Smith *“are very clean.”*
  2. Announced the Fort Smith Police Department is now fully-staffed.

**August 16, 2022 Regular Meeting**

3. Regarding the recent issue at the Lee Creek Water Treatment Plant, which resulted in emergency conservation measures, he extended much appreciation to Utility Department staff for their “good work” in getting the system back up and running.

Director Rego echoed the above stated sentiments.

► Director Rego

- Re:
1. Extended condolences to Mayor McGill upon the recent passing of his sister.
  2. Conveyed “Happy Birthday” to the Mayor.
  3. Regarding a recent Administrative decision to appeal litigation relative to the recycling lawsuit, he recommended that any future decision to appeal litigation be approved by the Board of Directors.

Director Martin concurred that any decision to appeal litigation should be presented to the Board for approval.

4. Regarding a recent swim meet held at Creekmore Park, he acknowledged receipt of a complaint from a swim meet participant regarding the condition of the bathhouse, which included multiple pictures. Due to such, he urged the importance of addressing the facility.

Administrator Geffken conveyed much concurrence citing it’s “got to be done.”

Director Morton also concurred that the matter needs to be addressed.

## **August 16, 2022 Regular Meeting**

▶ Director Morton

Re: Regarding the upcoming Strategic Workshop scheduled for Friday, August 19, he inquired if such is considered a meeting of the Board whereby City Clerk Sherri Gard responded affirmatively. He further noted the agenda identifies a lengthy time schedule for the Strengths, Weaknesses, Opportunities, Threats (SWOT) analysis; however, he requested the time-frames be modified to allow more focus on goals.

▶ Director Catsavis

Re: 1. Offered a motion to place an ordinance on the September 6, 2022 regular meeting agenda to authorize an increase of the Board of Directors car allowance by \$481 per month.

Director Morton concurred that an increase is needed; therefore, he seconded the motion. Since placement of an item on a future agenda requires the concurrence of two (2) directors, Mayor McGill announced the item will be placed on the September 6, 2022 regular meeting agenda as requested.

Due to said placement and upon approval, Director Catsavis questioned when such would go into effect.

Mr. Canfield confirmed that such will go into effect on the thirty-first (31<sup>st</sup>) day after adoption; however, if the ordinance contains an emergency clause and such obtains the required five (5) affirmative votes for passage, such would go into effect immediately upon adoption.

Director Good noted that many do not realize all that directors do citing it's not just going to Board of Directors meetings on Tuesday evenings; however, several directors also attend various meetings of the City's boards, committees, and commissions; graduations; church services;

## August 16, 2022 Regular Meeting

ribbon cuttings; as well as meet with residents regarding various issues of concern. He added that directors are also consistently receiving calls, texts, and emails from residents, which takes a lot of time to respond.

Director Rego spoke against the formally placed item stating he is “...*vehemently opposed with the intensity of 10,000 white hot super novas that we give ourselves any sort of pay raise.*” He added that any proposed increase to the Board of Directors should be approved by residents of the city.

2. Offered a motion to place an item on a future study session to discuss the dissolution of the Fort Chaffee Redevelopment Authority (FCRA) to determine an estimated date for same. Director Morton seconded the motion; therefore, since placement of an item on a future agenda requires the concurrence of 2 directors, Mayor McGill announced the item will be placed on a future study session as requested.

### ► Director Settle

- Re:
1. Reminded all that Sales and Use Tax bonds will be paid in full in September 2022; however, the associated three-quarter percent (0.75%) tax will continue to be collected for such purpose through December 2022. Due to such, he inquired if the excess funding can be utilized to address much needed improvements at the Creekmore Park bathhouse.

Administrator Geffken recommended that such be discussed at a future study session to allow the Board to specifically identify how said funds will be utilized; therefore, he will add such to a future study session agenda.

2. Announced that the University of Oklahoma and University of Central Arkansas volleyball teams

**August 16, 2022 Regular Meeting**

will compete in Fort Smith at the Southside High School stadium, known as “The Barn”, on Friday, August 19.

▶ Director Martin

Re: Due to speaking with several individuals, he’s concluded that the city is growing citing many people are moving to Fort Smith from various parts of the nation and world.

▶ Administrator Geffken

- Re:
1. Announced the Fort Smith Fire Department has initiated their application process for prospective firefighters and urged any interested individuals to apply to become a Fort Smith firefighter.
  2. As noted by Mayor McGill, he clarified that the Fort Smith Police Department is not only fully-staffed, but in order to address attrition, he’s authorized the department to be overstaffed by two (2).
  3. Reminded all of the upcoming Board of Directors Strategic Workshop scheduled for 9:00 a.m., Friday, August 19, at the Janet Huckabee Arkansas River Valley Nature Center, 8300 Wells Lake Road.
  4. Regarding a water contract dispute, he announced that a settlement has been reached with the City of Barling; therefore, a resolution authorizing same is anticipated to be presented to the Board for consideration at the September 6, 2022 regular meeting.

The Board convened into executive session at approximately 8:09 p.m. and after reconvening, the Mayor announced the following appointment nominations:

**COMMUNITY DEVELOPMENT ADVISORY COMMITTEE**

Payton Efurd

Term expires June 30, 2025

**August 16, 2022 Regular Meeting**

**LIBRARY BOARD OF TRUSTEES**

Elizabeth Sinclair

*~ to fill the unexpired term of Sara Davis who resigned ~*

Term expires December 31, 2022

**PARKS & RECREATION COMMISSION**

David Roberts (reappointment)

Term expires August 31, 2027

**TRANSIT ADVISORY COMMISSION**

Bradley Martin (reappointment)

Term expires July 15, 2025

*Note: Director Catsavis left just prior to reconvening from executive session; therefore, he was not present for the remainder of the meeting.*

Settle, seconded by Dawson, moved acceptance of all of 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, Director Settle moved that the meeting adjourn. The motion was seconded by Director Dawson. The members present all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 8:17 p.m.

**APPROVED:**

  
MAYOR

**ATTEST:**

  
CITY CLERK