

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ SEPTEMBER 6, 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 Neal Martin, following by Pledge of Allegiance led by Director Kevin Settle.

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 Good was present via electronic means. (Note: Director Good was physically present from approximately 7:42 p.m. through adjournment.) 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 16, 2022, regular meeting was presented for approval. Catsavis, seconded by Settle, moved adoption of the minutes as revised to correct Director Settle's comments in the Officials Forum from "*Water and Wastewater Bonds*" to "*Sales and Use Tax Bonds*." 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: Open Space and Residential Detached to Residential Attached / Rezoning: Residential Single Family-Duplex Low/Medium Density (RSD-2) to Transitional (T) at 8301 Moody Road*) (*Planning*).

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Director of Development Services Maggie Rice briefed the Board on the item advising such is per the request by Mickle Wagner Coleman, agent for Massard Dental Office. The subject property is located on the northeast corner of Massard Road and Moody Road, and contains an area of 1.32 acres. The purpose of the proposed amendments is to facilitate construction of a 3,000 square foot dentist office and a 2,000 square foot future building. A neighborhood meeting was held on July 28, 2022 with two (2) property owners in attendance that expressed concerns regarding land use, flood zone, signage, screening, and outdoor lighting. The Planning Commission held a public hearing on August 9, 2022 with no individual present to speak in opposition. The Planning Commission voted eight (8) in favor and zero (0) opposed to recommend the proposed amendments to the Board of Directors for consideration.

Settle, 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. The City Clerk read the ordinance by caption for its readings. Prior to the vote, Director Settle denoted the “future building” and, upon approval, requested confirmation that the location of such will be and must adhere to the proposed transitional zoning requirements whereby Mrs. Rice responded affirmatively.

Director Martin conveyed multiple inquiries regarding potential for flooding, specifically denoting the 2019 Flood and its impact on the subject location. He further expressed concern with parking maximums, and the proposed construction elevation citing he fears such is not sufficient.

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With regard to parking, Mrs. Rice advised that Planning Department staff are actually in the process of reviewing parking regulations conceding that amendments to same will soon be presented for consideration.

Mr. Jeffrey Holmes, agent, addressed the Board and confirmed the subject area was impacted by the 2019 Flood, which was considered a 500 year flood event. The proposed construction is designed to comply with elevation requirements for a 100 year event; however, he conveyed much assurance that proposed elevation will be sufficient.

Director Morton also expressed concern with future flooding and impact to nearby properties, and further inquired if surrounding property owners were notified of the aforementioned meetings.

Mr. Holmes advised that property owners within 200 feet of the area were notified of the meetings and conveyed assurance that the proposed will not adversely affect nearby property owners.

Director Rego merely conveyed that he's looking forward to reviewing the forthcoming parking amendments.

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. 75-22.

Item No. 2 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) to Residential Mixed Density (RMD) at 3823 Armour Street*) (*Planning*).

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Mrs. Rice briefed the Board on the item advising such is per the request of Phil White, agent for Harbor House Foundation, Inc. The subject property is located at the northwestern corner of Armour Street and North 39th Street intersection, and contains 0.64 acres. The purpose of the proposed is to allow the applicant to request a conditional use permit for a mobile home park. A neighborhood meeting was held on July 27, 2022 with one (1) neighboring property owner in attendance who spoke in favor of the application. The Planning Commission held a public hearing on August 9, 2022 with no individual present to speak in opposition to the request. The Planning Commission voted eight (8) in favor and zero (0) opposed to recommend the proposed amendments to the Board of Directors for consideration.

Rego, 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, Director Rego simply extended much appreciation to the applicant and to the Harbor House Foundation for the work they do and commitment to serve the residents of Fort Smith.

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. 76-22.

Item No. 3 was an ordinance amending Article VI of Chapter 22 of the Fort Smith Municipal Code regarding the Sidewalk Assessment and Construction Program (*Streets & Traffic Control*).

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Director of Streets and Traffic Control Matt Meeker briefed the Board on the item advising that in 2013, responsibility of the annual Sidewalk Program was transferred from the Engineering Department to the Streets and Traffic Control Department. At the time, focus of the Sidewalk Program was solely on repairing the existing sidewalk network. Engineering design was not necessary for repairs, and having the Streets Department plan and construct sidewalks in-house increased efficiency by eliminating delays associated with advertising and bidding of contracted projects. Since only sidewalk repairs were being performed, the Fort Smith Municipal Code was never updated to reflect the change in program responsibility. Since the focus of the Sidewalk Program has now shifted to include a significant amount of new sidewalk construction, the proposed ordinance amends Article VI of Chapter 22 of the Fort Smith Municipal Code to appropriately reflect the procedures currently in place. Such also requires the Streets and Traffic Control Department to develop and submit an annual Sidewalk Program to the Board of Directors for approval, as well as establish a timeline for said requirement.

Martin, 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, Director Martin spoke in favor of the item conveying it's exciting to see all the new sidewalk construction through the city. Due to such, he recommended that connectivity be a major focus when the location of new sidewalks are determined, whereby Mr. Meeker confirmed that such is already a main criteria for determination.

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Director Rego urged the importance of including Mobility Coordinator Michael Mings when the location of new sidewalks are being considered.

City Administrator Carl Geffken added that information indicates that many individuals are walking into the city of Fort Smith from the city of Barling; therefore, sidewalk construction is planned to accommodate said pedestrian traffic in said location.

Director Settle simply stated “great job”, and inquired if maps or a timetable will be included when the Sidewalk Program is presented at the October 11, 2022 study session. He further questioned the width of new sidewalks.

Mr. Meeker confirmed that locations and progression of anticipated construction will be provided at the October 11, 2022 study session. With regard to width of sidewalks, such is dependent upon the location; however, most will be five (5) feet wide.

Mayor McGill simply extended a heartfelt “*thank you*” to the Streets and Traffic Control Department for their work associated with the Sidewalk Program.

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. 77-22.

Item No. 4 was an ordinance amending the Human Resource Policies for Non-Uniformed Employees (2011), as previously amended, to approve vacation and discretionary time policies (*Human Resources*).

Director of Human Resources Rick Lolley briefed the Board on the item advising that as the City strives to be an employer of choice and as we seek ways to attract and retain highly qualified employees, the Administration and Human Resources Departments continually evaluate salary and benefits plans to determine if improvements can be made

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to assist in meeting said goals. Work-life balance is a major factor employees and potential employees consider when choosing to stay with or join an employer. An area of competitive improvement identified by the Johanson Group in the City's 2021 Compensation and Benefits Study was vacation time. The proposed ordinance amends the current vacation policy to the level that will make the City competitive in said fringe benefit area. Upon approval, the amendment will become effective on January 1, 2023.

The significant improvements are summarized as follows:

- Vacation time will be earned and allotted monthly instead of annually
- New hires will receive vacation time (40.02 hours) after 6 months continuous service. Current is zero.
- After 3 consecutive years of continuous service, employees accrue 7.34 hours per month (approximately 88 hours per year). Current accrual is 80 hours per year.
- After 5 consecutive years of continuous service, employees accrue 10 hours per month (120 hours per year). Current accrual is 80 hours per year.
- After 10 consecutive years of continuous service, employees accrue 13.34 hours per month (approximately 160 hours per year). Current accrual is 120 hours per year.
- After 15 consecutive years of continuous service, employees accrue 16.67 hours per month (approximately 200 hours per year). Current accrual is 160 hours per year.
- An employee can accumulate vacation hours from year-to-year, not to exceed 360 hours at any one time. Current is no carry over from year-to-year.
- An employee must take a minimum of 40 hours vacation time in the last 12 months as a requirement to be paid earned, but unused vacation time. Maximum payout is 180 hours. Current requirement is 5 consecutive days taken.

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Catsavis, 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 Morton noted such is a “*good policy overall*”; however, he expressed concern with the provision that allows employees to accumulate vacation ours “*not to exceed 360 hours*” and payment for same upon the end of employment with the City. He further noted the importance of ensuring employees utilize the vacation benefit for their well-being and conveyed a story, as well as concern, whereby a well-known corporation’s employee never took a vacation because they wanted to ensure no other employee maintained access to their work in their absence.

Director Settle concurred with the concerns conveyed by Director Morton citing such should be compared with other company’s vacation policies and revisited at a later date; however, he conveyed his intent to vote in favor of the item as proposed.

Director Dawson noted that employees of the State of Arkansas may accumulate 120 days of vacation, specifically denoting many educators retain said amount to ensure payment of same to assure their personal financial stability for at least some time upon their departure.

Director Rego simply acknowledged that 120 days equates to 960 hours.

Mr. Lolley confirmed that such mirrors the currently permitted maximum accumulation of sick time for City employees; however, he clarified that in order for employees to receive payment of unused vacation, a minimum of 40 hours of vacation must be used.

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Administrator Geffken confirmed the proposed is to ensure the City of Fort Smith an employer of choice, and advised that two (2) additional policy amendments are recommended, i.e. insurance premium holiday and stipend, whereby he advised such will be presented at the September 13, 2022 study session for review.

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. 78-22.

Item No. 5 was a resolution authorizing the City Administrator and City Attorney to conclude litigation styled as City of Fort Smith v. City of Barling and approving settlement agreement (*Administration*).

Administrator Geffken briefed the Board on the item advising the proposed settlement agreement ends approximately four (4) years of litigation and negotiations between the City of Fort Smith and the City of Barling regarding payments to Fort Smith for not meeting the guaranteed purchase minimum amounts. The City Administrators and City Attorneys for each city have agreed to the proposed settlement; therefore, he recommended approval.

Morton, seconded by Martin, moved adoption of the resolution. There being no director commenting and the members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-133-22.

Item No. 6 was a resolution authorizing City Administrator, and designated agents, to bid Water Project 21-10, Lee Creek Transmission Line & Interstate 40 Utility Relocation (*Utility*) ♦

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Director of Utility Lance McAvoy briefed the Board on the item advising that at the August 16, 2022 Board of Directors special meeting, the Board adopted Resolution No. R-126-22, which halted the Utility Water Rate Study and all water projects that would require a water rate study as outlined by Arkansas Act 605 of 2021, and that reinstatement of same be authorized by the Board. The proposed resolution allows the Utility Department to bid out a project whose engineering estimate is less than \$1 million. The project is to encase a portion the 48-inch water transmission line from Lee Creek as required by ARDoT for the upcoming Interstate 40 and Highway 59 exchange improvements. The project cost should be one-hundred-percent (100%) reimbursed by ARDoT and the estimated cost is well below the twenty-percent (20%) threshold in Arkansas Act 605 of 2021. In order to comply with Resolution No. R-126-22 for reinstatement of a water project, the proposed resolution simply authorizes staff to proceed with bidding the aforementioned project.

Settle, seconded by Dawson, moved adoption of the resolution. Prior to the vote, there were multiple inquiries regarding details of the noted project, i.e. manner of utility relocation, length, location, design of exchange improvement, etc. whereby Mr. Brett Peters with Hawkins-Weir Engineers provided such.

Director Morton requested confirmation that the subject project is anticipated to maintain zero impact to the City with regard to Act 605 of 2021.

Mr. McAvoy noted that due to the project being reimbursable, conversations with the Arkansas Natural Resources Commission (ANRC) have been unclear. Due to such, formal acknowledgement of same can be requested.

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Director Rego merely extended much appreciation to Mr. McAvoy and Administrator Geffken for presenting the proposed resolution to obtain approval to proceed with bidding the project and adhering to the “*spirit of the resolution*”, i.e. Resolution R-126-22.

The motion to adopt the resolution 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-134-22.

Item No. 7 was a resolution approving the 2022-2023 goals from the August 19, 2022 Strategic Workshop (*Administration*).

Administrator Geffken briefed the Board on the item advising the Mayor and Board of Directors held a full-day Strategic Planning Workshop on August 19, 2022 at the Janet Huckabee Nature Center. The workshop was facilitated by Dr. Micki Voelkel and Kendall Ross from the University of Arkansas Fort Smith Center for Economic Development. Seven (7) goals were set by the end of the workshop that Administration will be working on immediately. The target completion dates, which were set based upon the amount of work and difficulty, are between December 31, 2022 and the end of 2024. Periodic updates will be provided to the Board on the current status of goals, along with any issues achieving such. The Strategic Goals determined are as follows:

1. Reduce chronic homelessness in the downtown region by a minimum of 5% by the end of 2024.
2. Optimize staffing to meet the needs of a large city by identifying key positions and filling them. Positions to include legislative liaison, grant writer, and cybersecurity expert, etc. Job descriptions will be written, and positions allocated and funded by January 2023.

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3. Market the city of Fort Smith's world-class quality of place to recruit business, industry, and potential residents (Amenities to be leveraged include abundant water supply, low cost of living, location, etc.) Allocate budget and identify marketing firm by March 31, 2023.
4. Develop a new Consent Decree communication plan. Create plan by December 31, 2022. Begin plan implementation by January 2023.
5. Strengthen code enforcement to reduce abandoned and dilapidated properties by identifying code violations for these issues. Benchmark existing properties by March 2023; Implement new code by December 31, 2023.
6. Identify incentives that can be used to attract businesses to underdeveloped areas of the city by Jun 30, 2023.
7. Modernize animal control policies by drafting and approving a measure by June 30, 2023.

The following individual was present to address the Board:

- Jo Elsken
Fort Smith, Arkansas

Re: Extended appreciation for the goals regarding homelessness, animal control, and Consent Decree; however, she conveyed concern that no director identified the environment as a top priority. She further requested the City consider other cities plans to address environmental issues. Additionally, she requested the Board consider relocating the Town Hall meeting from after adjournment of the regular meeting to before the regular meeting.

Rego, seconded by Martin, moved adoption of the resolution. Prior to the vote, Directors Rego and Dawson conveyed much assurance that all identified goals are important; however, the Board was instructed to prioritize such by selecting the most achievable goal in the shortest amount of time.

Director Martin extended much appreciation to Ms. Elsken for addressing the Board specifically denoting the Town Hall request citing he's received like-requests from other individuals.

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Settle, seconded by Morton, moved to place an ordinance on the September 20, 2022 regular meeting agenda to move the Town Hall meeting to immediately prior to the first regular meeting of each month. Placement of an ordinance on a future agenda requires the concurrence of two (2) directors; therefore, Mayor McGill announced the ordinance will be placed on the September 20, 2022 regular meeting agenda as requested.

With regard to the environmental issues, Administrator Geffken conveyed much assurance that the City has already started “*moving forward*” and transitioning to environmental friendly options in various areas under the City’s purview.

The motion to adopt the proposed resolution 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-135-22.

Item No. 8 was an ordinance authorizing the appropriation of miscellaneous and insurance proceeds for various City Departments (*Finance*).

Purchasing Manager Alie Bahsoon briefed the Board on the item advising the proposed authorizes the appropriation of insurance proceeds received from various insurance carriers for fleet vehicles that were either damaged in accidents or due to hail storm damage. Upon approval, such will appropriate the funds to the respective departments to accommodate repair of the damaged vehicles.

Morton, seconded by Settle, 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. 79-22.

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The consent agenda (Item No. 9) was presented for consideration, the items being as follows:

- A. Resolution authorizing a change order for a time extension for the 2021 Street Overlays/ Reconstruction, Phase D, Project No. 21-03-D (*Add 46 Days / Engineering Department*) ♦
- B. Resolution accepting completion of and authorizing final payment for the 2021 Street Overlays / Reconstruction, Phase D, Project No. 21-03-D (*\$20,402.31 / Engineering Department / Budgeted – Sales Tax Program*) ♦
- C. Resolution authorizing a change order for a time extension for the 2021 Drainage Improvements, Phase D, Project No. 21-06-D (*Add 34 Days / Engineering Department*) ♦
- D. Resolution accepting completion of and authorizing final payments for the 2021 Drainage Improvements, Phase D, Project No. 21-06-D (*\$95,624.18 / Engineering Department / Budgeted – Sales Tax Program*) ♦
- E. Resolution authorizing the acquisition of real property interests for the 2020 Drainage Improvements, Phase C, Project No. 20-06-C (*\$20,209.00 / Engineering Department / Budgeted – Sales Tax Program*) ♦
- F. Resolution authorizing the acquisition of real property interest as part of the Flooded Residence Buyout Program, Project No. 22-90-A (*\$187,500.00 / Engineering Department / Budgeted – Sales Tax Program*) ♦
- G. Resolution authorizing a franchise utility relocation agreement for the May Branch Outfall Culvert Remediation, Project No. 21-06-E (*\$107,476.00 / Engineering Department / Budgeted – Sales Tax Program*) ♦
- H. Resolution authorizing execution of an easement in favor of Oklahoma Gas and Electric Company for the May Branch Outfall Culvert Remediation, Project No. 21-06-E (*Engineering*) ♦
- I. Ordinance declaring an exceptional situation and waiving the requirements of competitive bidding for the purchase of liquid chlorine for 2022-2023 for the Utilities Department (*Annual bid / Utility Department / Budgeted – Water and Wastewater Funds*)

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- J. Resolution authorizing the execution of financial advisor services contract with PFM Financial Advisors, LLC (*Finance*)
- K. Resolution accepting completion of and authorizing final payment for the 2022 Sidewalk Program, Project No. 22-20-A (\$73,522.53 / *Streets & Traffic Control Department / Budgeted – Outside Services*)
- L. Resolution authorizing the execution of a non-residential solid waste collection and disposal permit and agreement with H&A Junk Removal, LLC (*Solid Waste Services*)
- M. Ordinance waiving competitive bidding and authorizing the purchase of eight (8) automatic vehicle annunciators and related technical support equipment from Hanover Displays, Inc. for the Transit Department fixed route buses (\$108,813.30 / *Transit Department / Budgeted – 531300 Capital Outlay Software*)

Catsavis, seconded by Martin, moved adoption of all consent agenda items. Prior to the vote and regarding Item No. 9A and 9C, Director Morton noted that each items authorizes change orders for additional days only. Due to such, he urged the Engineering Department to retain the weather information to ensure any weather related delay can be confirmed whereby Director of Engineering Stan Snodgrass confirmed that said information is included within the daily reports of each project.

Regarding Item No. 9D, the following individual was present to address the Board:

- Kristen Kitchens
Fort Smith, Arkansas

Re: Alleged the project is near the former Whirlpool Corporation facility in which Trichloroethylene (TCE) levels required resolution. Due to such, she urged the nearby Boys and Girls Clubs, and the Bost be notified.

Director Martin simply noted the proposed is to prevent erosion.

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Administrator Geffken and Deputy Administrator Jeff Dingman also advised the matter is under the purview the Arkansas Department of Environmental Quality (ADEQ) citing consistent observation, monitoring, and enforcement is ongoing.

With regard to Item No. 9E, Director Martin inquired of the total cost of the sanitary sewer line relocation

Mr. Snodgrass advised such is anticipated to cost “*several \$100,000*” and will include two (2) different locations.

Director Settle inquired of the location and if such will create additional water in other areas.

Mr. Snodgrass provided details of the project, which will occur in the Brooken Hill area. He further conveyed confirmation that such will not create more water as the project will merely divert the existing volume of water to another location.

With regard to Item No. 9F, Directors Martin, Rego, Morton, Dawson and Settle submitted multiple inquiries regarding the subject program, along with the subject acquisition. It was noted that \$250,000 is budgeted annually for the Program; however, if not utilized, such is not carried-over to the following budget year. The Board conveyed no objection to allowing unused monies to be carried-over provided a maximum amount is determined.

Mr. Snodgrass provided a detailed explanation advising upon approval, the City will acquire the property and demolish the existing structure. Upon completion of such, the property will likely be utilized as a green space and become part of a detention pond.

At the request of Director Dawson, the property owner, Ms. Judy Glover, addressed the Board and confirmed the property has flooded fourteen (14) times. Since

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her husband passed away in 2022 and she cannot obtain flood insurance, she confirmed her desire to participate in the Program and sell the property to the City.

Regarding Item No. 9I, Director Martin denoted the cost increase of liquid chlorine from previous years whereby Director Settle advised such has increased 268% since 2020.

Director Morton inquired of availability and requested confirmation that the City maintains a reserve supply.

Mr. McAvoy advised supply is fast becoming an issue and confirmed that all municipal water providers are experiencing the same issues, both with cost and availability. With regard to reserve supply, he simply confirmed that the City retains such; however, due to security reasons, he would not divulge the amount on-hand.

With regard to Item No. 9J, Director Morton noted the City is “in a bind” with regard to ability to issue bonds and conveyed much hope that the financial advisors provide creative ideas to ensure financial stability.

Administrator Geffken simply advised the City currently maintains an A credit rating with stable outlook.

Regarding item No. 9K, Director Morton acknowledged the proposed is a final payment to a contractor for the 2022 Sidewalk Program; however, he requested confirmation that the City of Fort Smith staff continues to construct new sidewalks whereby Mr. Meeker responded affirmatively.

Note: Director Good was not present (by electronic means) for the following vote on the consent agenda.

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The motion to adopt the consent agenda remaining on the floor and the members present all voting affirmatively, the Mayor declared the motion carried and the ordinances and resolutions were adopted with the ordinances given Ordinance No. 80-22 and 81-22, and the resolutions given Resolutions No. R-136-22 through R-146-22 respectively.

Note: Director Good physically arrived at approximately 7:42 p.m. and was physically present for the remainder of the meeting.

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

▶ Director Catsavis

Re: Advised he was contacted by two (2) business owners at Chaffee Crossing alleging inappropriate comments were made by the Executive Director of the Fort Chaffee Redevelopment Authority (FCRA). Due to such, he inquired if the City may conduct an investigation into the matter.

In order to ensure the City's authority, City Attorney Jerry Canfield recommended review of the Trust document be conducted to determine investigative procedure requirements.

Director Dawson alleged that the City maintains no authority over the matter until dissolution of the FCRA has been completed; therefore, she insisted any complaint must be submitted to the FCRA Board.

▶ Director Dawson

Re: Noted the newly arrived Compressed Natural Gas (CNG) bus for the Transit Department was available for viewing at the regular meeting location just prior to the meeting whereby she was *"impressed and so proud"* of not only the new bus, but with the overall transit system provided within the city of Fort Smith.

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Director Settle concurred with the aforementioned sentiment and extended congratulations to Director of Transit Ken Savage for the new bus adding “*Excellent job, Ken!*” He further noted the bus is anticipated to be “*ready to roll*” in October 2022.

▶ Director Settle

Re: Announced he serves on the Executive Committee of the Arkansas Municipal League (AML) and at a recent meeting, Act 605 of 2021 was discussed. The AML was very receptive to and anticipates legislative amendments to the Act in the 2023 General Session.

▶ Director Good

Re: Regarding Item No. 7, i.e. Strategic Workshop goals, in the past, the Board requested all City departments work toward accurately reflecting the community with regard to its personnel. He acknowledged that we’ve come a long; however, he insisted that the City is still “*failing in equity and inclusion*” specifically denoting age, race, and gender. Due to such, he noted the effort needs to be intentional and encouraged such be addressed.

Mayor McGill affirmed that the City of Fort Smith needs to be welcoming to all individuals.

▶ Administrator Geffken

Re: 1. In 2021, the Board opted to not schedule study sessions on Tuesday, November 22, which is the week of Thanksgiving, or Tuesday, December 20, which is the week of Christmas. Due to numerous study session items already scheduled through December, he requested study sessions be held to accommodate items as provided below:

Tuesday, November 22, 2022

Review Cell A-6 construction at the Fort Smith Sanitary Landfill (*Solid Waste Services*)

Note: Administrator Geffken also recommended this study session be held at the Solid Waste Services Department.

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Tuesday, December 20, 2022

Quarterly update regarding status of water leaks
~ *Morton/Martin requested such be presented quarterly at the July 27, 2022 special study session/Mid-Year Budget Review ~ (Utility)*

The Board conveyed no objection to either of the aforementioned; therefore, such will be scheduled as requested.

Director Dawson simply advised that she will not be available to attend a study session on Tuesday, November 22.

2. Announced that two (2) items regarding City employees, i.e. insurance premium holiday and stipend, have been scheduled for review at the September 13, 2022 study session.
3. Announced the items regarding animal control regulations and shelter space availability originally scheduled for the October 11, 2022 study session has been moved to the November 8, 2022 study session.

Director Settle noted said date is the General Election; therefore, he offered a motion to move the November 8, 2022 study session to Thursday, November 10, 2022. Directors Catsavis, Martin, and Morton extended concurrence; therefore, the aforementioned study session was rescheduled for Thursday, November 10, 2022.

At approximately 7:50 p.m., the Mayor announced the Board would convene into

Executive Session to accomplish the following:

- Performance evaluation of the City Administrator ~ *Martin/Morton placed on agenda at the August 23, 2022 study session ~*
- Performance evaluation of the Internal Auditor ~ *Martin/Morton placed on agenda at the August 23, 2022 study session ~*

Prior to convening, Director Catsavis questioned, "*didn't we already do this*"

whereby Director Martin advised such were not completed.

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Note: Director Catsavis left the meeting at approximately 9:15 p.m. and was not present for the remainder of the meeting.

The Board reconvened from Executive Session at approximately 9:29 p.m. whereby the Mayor simply announced the above noted performance evaluations had been conducted.

There being no further business to come before the Board, Director Settle moved that the meeting adjourn. The motion was seconded by Director Martin. The members present all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 9:30 p.m.

APPROVED:


MAYOR

ATTEST:


CITY CLERK