

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ MAY 2, 2023 ~ 6:00 P.M.

BLUE LION, 101 NORTH 2ND STREET

The meeting was called to order by Vice-Mayor Jarred Rego, presiding. Invocation was given by Director Neal Martin, followed by the Pledge of Allegiance led by Director Andre' Good.

On roll call, the following members of the Board were physically present: Directors Jarred Rego, Andre' Good, Lavon Morton, George Catsavis, Christina Catsavis, Kevin Settle, and Neal Martin. The Vice-Mayor declared a quorum present.

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

The Vice-Mayor noted that Mayor George McGill will be arriving back in Fort Smith later in the evening; however, he extended much appreciation to Directors Settle and C. Catsavis for filling-the-gap in his and Mayor McGill's recent simultaneous absences. That said, he explained that he was representing the city of Fort Smith in Torbole, Italy attending Sister City ceremonies and festivities. Torbole, Italy is the location in which General Darby was killed in action on April 30, 1945. He noted such is the same date in which Adolf Hitler committed suicide; therefore, if the immediately aforementioned event had occurred only hours or minutes earlier, he pondered if such would have saved the life of General Darby and noted the importance of the end of the war. Regardless, he commented on the trip and presented several items presented as gifts to the City of Fort Smith during the visit. He noted the 40 year Sister City relationship with Cisterna, Italy will be celebrated next year and added that delegates from Cisterna traveled to Torbole to

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also participate in several of the festivities. He advised that said Sister City relationships will boost economic development and add to cultural exchanges to benefit all.

The minutes of the April 18, 2023 regular meeting and April 25, 2023 special meeting were presented for approval. Morton, seconded by Settle, moved adoption of the minutes as written. The members all voting aye, Vice-Mayor Rego declared the motion carried.

Item No. 1 was an ordinance rezoning identified property and amending the zoning map (*Transitional (T) to Commercial Heavy (C-5) at 6201 Rogers Avenue, Suite H*) (*Planning & Zoning*).

Director of Development Services Maggie Rice briefed the Board on the item advising such is per the request of Kevin Keefner, agent for Widmer Place, LLC. The subject property is located northeast of the Rogers Avenue and Interstate 540 intersection and consists of 1.16 acres. The purpose of the proposed is to allow for the one (1) acre transitional portion of the property to be rezoned to Commercial Heavy (C-5) to match the remaining piece of Lot 1, Widmer Place. A neighborhood meeting was held on March 30, 2023 with four (4) neighboring property owners in attendance conveying objections to the proposed. Additionally, two (2) neighboring property owners contacted the Planning Department to convey opposition to the proposed. The Planning Commission held a public hearing on April 11, 2023 with Mr. William Parks, Ms. Cynthia Parks, Ms. Janet Richards, Mr. Michael Briggs, Mr. Joseph Higginbotham, Ms. Judy Ritter, and Ms. LeAnn Barker in attendance and conveyed concerns regarding lack of privacy, traffic through the neighborhood, drainage, loss of buffer, light pollution, and property devaluation. The Planning Commission voted nine (9) in favor and zero (0) opposed to recommend the matter to the Board of Directors for consideration.

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Good, 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 Morton simply commented the proposed is a reasonable request citing such is consistent with existing zoning of the surrounding area.

The motion to adopt the ordinance remaining on the floor and the members all voting affirmatively, the Vice-Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 43-23.

Item No. 2 was an ordinance rezoning identified property and amending the zoning map (*Planned Zoning District (PZD) to Planned Zoning District (PZD) at 7301 and 7323 Terry Street, 7300-7313 Buckhorn Street, 7317, 7401, 7404, 7405, and 7409 Buckhorn Street, 7412 -7429 Buckhorn Street, 7300, 7308, 7312, 7402, 7412 and 7428 Ellis Street, and 11821 Darby Street*) (*Planning & Zoning*).

Mrs. Rice briefed the Board on the item advising such is per the request of Rival Commercial RE, LLC, owner. The subject property is located between Terry Street, Ellis Street, Ward Avenue, and Darby Street, and contains 11.39 acres. The purpose of the proposed is to allow for existing buildings to be utilized as a wedding chapel, event hall, duplex, and hotel/motel. A neighborhood meeting was held on March 22, 2023, with no surrounding property owners in attendance; however, a neighboring property owner, Mr. Randy Hall, called the Planning Department regarding the matter, but conveyed no objection to the proposed. The Planning Commission held a public hearing on April 11, 2023 with no individual present to speak either in favor or in opposition to the request.

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

Settle, seconded by G. Catsavis, moved to table consideration of the item to a future meeting pending final determination of the Fort Chaffee Redevelopment Authority (FCRA) lawsuit. The members voted as follows: ayes – G.Catsavis, C.Catsavis, Settle, and Martin; nays – Rego, Good, and Morton. The Vice-Mayor declared the motion carried and the item will be placed on a future regular meeting agenda upon final determination of the FCRA lawsuit.

Item 3 was an ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map (*Master Land Use Plan: Residential Detached and General Commercial to Commercial Neighborhood / Rezoning: Residential Single Family Duplex Medium/High Density Special (RSD-3 SPL) and Commercial Heavy (C-5) to Commercial Light (C-2) at 2015 and 2105 Savannah Street*)

Mrs. Rice briefed the Board on the item advising such is per the request of Ron Brixey, agent for Davidson Holding Company, Inc. The subject property is located on the north side of Savannah Street between South 22nd Street and Jenny Lind Road, and contains an area of 1.01 acres. The purpose of the proposed is to facilitate parking lot expansion for an existing daycare. A neighborhood meeting was held on March 21, 2023 with no neighboring property owners in attendance; however, the Planning Department received one (1) phone call from an adjacent neighbor who expressed concern regarding traffic and devaluation of property. The Planning Commission held a public hearing on April 11, 2023 with no individual present to speak either in favor or in opposition to the proposed. The Planning Commission voted nine (9) in favor and zero (0) opposed to recommend the matters to the Board of Directors for consideration.

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Good, 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. There being no director commenting and the members all voting affirmatively, the Vice-Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 44-23.

Vice-Mayor Rego announced that this was the time and place set for a public hearing regarding the Year 49 Community Development Block Grant Budget, the Year 30 HOME Investment Partnership Act Program Budget, submission of the Program Year 2023 Action Plan and substantial amendment to the Year 2021 Annual Action Plan ~ *Morton/C.Catsavis placed on agenda at the April 25, 2023 study session ~ (Community Development)*. Notice of the public hearing had been duly published as required. Following the public hearing, consideration of a resolution authorizing same would be given (Item No. 4).

Director of Community Development Candyce Gabucci briefed the board as discussed at the April 25, 2023 study session advising the federal budget was signed into law by President Biden on December 29, 2022. The U.S. Department of Housing and Urban Development (HUD) has also released final allocation amounts to local governments with the City of Fort Smith set to receive \$812,865 in Community Development Block Grant (CDBG) funds and \$462,538 in HOME Investment Partnership funds. The Community Development Advisory Committee (CDAC) held public hearings and reviewed all funding requests, which meet the Five Year Consolidated Plan for 2021-2025 Goals, Objectives and Strategies as adopted by the Board of Directors by

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Resolution R-65-21 on May 18, 2021, and voted to recommend such to the Board of Directors for consideration.

Vice-Mayor Rego formally opened the public hearing. There being no individual present to address the Board, Vice-Mayor Rego then formally closed the public hearing.

Morton, seconded by Settle, moved adoption of the resolution. Prior to the vote and regarding the \$48,957 allocation to the Next Step Day Room, Inc. – Next Step Homeless Facility, Director Morton inquired if said funding is for the entity's existing facility or their new facility whereby Mr. Gabucci simply responded "*the new facility.*"

The motion remaining on the floor and the members all voting affirmatively, the Vice-Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-82-23.

Vice-Mayor Rego announced this was the time and place set for a public hearing regarding the submission of the HOME-ARP Allocation Plan and substantial amendment to the Year 2021 Annual Action Plan ~ *Morton/Good placed on agenda at the April 25, 2023 study session ~ (Community Development)*. Notice of the public hearing had been duly published as required. Following the public hearing, a resolution authorizing same would be given (Item No. 5).

Mrs. Gabucci briefed the board as discussed at the April 25, 2023 study session advising that on March 11, 2021, President Biden signed the American Rescue Plan into law which provides over \$1.9 trillion in relief to address the continued impact of the Covid-19 pandemic on the economy, public health, state and local governments, individuals, and businesses. Resolution No. R-147-22 authorized the submission of the HOME American Rescue Plan (ARP) Allocation Plan and substantial amendment to the Year 2021 Annual Action Plan. HUD sent final approval for the City of Fort Smith's Allocation

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Plan on November 14, 2022 awarding the city \$1,501,450 in HOME-ARP funding. On March 31, 2023, the Community Development Advisory Committee held a public meeting to review and discuss HOME-ARP proposals and recommended the proposed be presented to the Board of Directors for consideration.

Vice-Mayor Rego formally opened the public hearing. There being no individual present to address the Board, Vice-Mayor Rego then formally closed the public hearing.

Morton, seconded by Martin, moved adoption of the resolution. Prior to the vote, Director Morton requested a brief update regarding Next Step Day Room's new facility.

Ms. Sharon Chapman, Executive Director of the Next Step Day Room, advised the property has been purchased and necessary assessments completed. Although conceptual plans have been prepared, the next step is design of the facility whereby completion of such is anticipated in six (6) to eight (8) months. Once they break ground, it's estimated that construction will be complete within eighteen (18) months. Fundraising for construction is ongoing and a large State grant will be available for application in July, which application will be submitted for same. Upon approval of the proposed, such ensures that one-half (1/2) of the necessary funding for the new facility will be achieved. In the event such is necessary, she added the entity is also looking into a possible loan to secure any deficit in fundraising amounts.

Director Settle advised the proposed includes funding to other entities, which could be considered non-capital expenses, i.e. purchase of a van, ongoing operational costs, etc. He conveyed his desire that all of the available funding be utilized for capital projects citing such better serves the community and focuses more on the future.

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Director Martin inquired when the next step/phase of the Next Step Day Room project will be initiated, and expressed concern with aesthetics of the existing facility at North 6th and “B” Street citing such needs to be addressed.

With regard to the next step, Ms. Chapman indicated the Board of the Next Step Day Room has a meeting tomorrow; therefore and upon approval of the proposed, the next step/phase will be addressed at said meeting.

Director Good spoke in favor of the conceptual plan citing such is “wonderful” and noted that “Coming Soon” signs would be beneficial to market the forthcoming project.

Director Morton concurred with Director Good’s recommendation and urged Ms. Chapman to encourage the design firm to complete their work sooner than the aforementioned 6 to 8 months. He added the Crawford-Sebastian Community Development Counsel’s website maintains prevalent information, but encouraged other methods of notification of the project be utilized as well. Regardless, upon approval of the proposed, he questioned if the City exercises oversight of the funding.

Mrs. Gabucci conveyed much assurance that funding is monitored by the City of Fort Smith’s Internal Audit Department, as well as Housing and Urban Development (HUD). Additionally, CDBG staff conducts site visits of all agencies that receive the subject funding. She further clarified that funds are not disbursed to agencies until receipts are submitted; therefore, disbursement could be more adequately defined as a reimbursement, which ensures proper utilization of funding.

Director Rego simply extended much appreciation to Ms. Chapman for their fundraising efforts citing such sets forth a great momentum for the project.

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The motion to adopt the resolution remaining on the floor and the members all voting affirmatively, the Vice-Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-83-23.

Item No. 6 was an ordinance authorizing the appropriation of insurance proceeds for various City Departments (*Finance*).

Purchasing Manager Alie Bahsoon briefed the Board on the item advising the City of Fort Smith has received insurance proceeds from the Arkansas Municipal League for fleet vehicles that were involved in accidents. The proposed allocates said proceeds to the appropriate departments to provide funds to repair the vehicles.

Martin, seconded by Morton, moved adoption of the ordinance. There being no director commenting and the members all voting affirmatively, the Vice-Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 45-23.

Item No. 7 was an ordinance amending the 2023 Budget and authorizing the appropriation of donated funds (*Police*).

Mr. Dan Dennis, Fort Smith Police Department (FSPD) Deputy Director of Administration, briefed the Board on the item advising the FSPD received a donation from the Arvest Foundation in the amount of \$5,000 to assist with community relations programs. The proposed allocates said funding to the FSPD Budget, which will be utilized specifically for the new Public Safety Cadet Program. Said program affords youth between the ages of fourteen (14) and twenty-one (21) the opportunity to learn about policing and interact with FSPD staff. Expenses will include, but are not limited to, registration fees, uniforms, and equipment.

G. Catsavis, seconded by Settle, moved adoption of the ordinance. Prior to the vote, Director Good merely extended much appreciation to the Fort Smith Police

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Department for their positive presence on Facebook. He added their community relations is “*outstanding*” and contains “*genuine and sincere content*”, which is a great asset to the community.

The motion to adopt the ordinance remaining on the floor and the members all voting affirmatively, the Vice-Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 46-23.

The consent agenda (Item No. 8) was presented for consideration, the items being as follows:

- A. Resolution authorizing and authorizing the Mayor to execute Amendment No. 1 to a professional services agreement with Witt Global Partners (AG Witt, LLC) related to facilitating FEMA public assistance reimbursement from the 2019 Flood (*City Administrator*)
- B. Resolution authorizing execution of quitclaim deeds to Fort Smith Public Library (*Finance*)
- C. Resolution accepting completion of and authorizing final payment for the 2022 Street Striping Replacement, Project No. 22-85-A (\$195,746.00 / *Engineering Department / Budgeted – Sales Tax Program*) (*Streets & Traffic Control*)

Morton, seconded by G. Catsavis, moved adoption of all consent agenda items. Prior to the vote and regarding Item No. 8A, Director Morton acknowledged the proposed amendment contains an effective date through August 5, 2023; therefore, he inquired if such is a reasonable assumption that full reimbursement from the Federal Emergency Management Administration (FEMA) is anticipated by said date.

Deputy Administrator Dingman advised some details are still in process; however, full reimbursement is anticipated by said date. Merely for clarification, he further added the original agreement was with Witt Global Partners; however, the entity has changed their legal name to AG Witt, LLC. Due to such, the main purpose of the proposed is to

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acknowledge the aforementioned name change in order to comply with FEMA requirements related to the reimbursement; however, he added that such also clarifies Category 2 funding.

With regard to Item No. 8B, Director Settle noted the City provides sales tax funding to the libraries; therefore, he expressed concern that the property conveyance could impact said distribution citing the subject tax was by voter approval.

City Attorney Jerry Canfield clarified that the libraries ownership was transferred to the City of Fort Smith as a requirement for the bond issuance to construct the libraries. The subject bonds were paid in full many years ago; therefore, ownership of the properties is no longer required to be in the City's name citing the purpose of the proposed was brought to light due to insurance claims. Regardless, he acknowledged that Director Settle's concern was valid and will be reviewed accordingly.

Deputy Administrator Dingman clarified the library receives six-percent (6%) of the county-wide sales tax, and does not receive any portion of the city-wide sales tax; therefore, he questioned the concern.

Director Rego concurred with Mr. Dingman citing the library is still associated with the City of Fort Smith since the Board of Directors appoints members to the Fort Smith Public Library Board of Trustees.

Jennifer Goodson, Executive Director of the Library, clarified the 6% sales tax distribution is per City ordinance, and was not by voter approval; therefore, she maintained the proposed will have no impact.

Director Settle conveyed his intent to vote in favor of the item; however, he encouraged the matter be reviewed citing in the event such does create an issue and upon approval, the matter can be re-addressed at the next regular meeting.

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The motion to adopt all consent agenda items remaining on the floor and the members all voting affirmatively, the Vice-Mayor declared the motion carried and the resolutions were adopted and given Resolutions No. R-84-23 through R-86-23 respectively.

Vice-Mayor Rego opened the Officials Forum with the following comments offered:

▶ Director Rego

- Re: 1. Reminded all of the Steel Horse Rally, which is scheduled for Friday and Saturday, May 5 and 6, 2023. He noted the weather is supposed to be nice; therefore, he encouraged all to go downtown and enjoy the festivities.
2. Regarding the aforementioned recent trip to Torbole, Italy to represent the City of Fort Smith for the newly adopted Sister City relationship, he noted the beauty of the country and that he's posted many pictures and details of said trip on his Facebook account. He simply encouraged all to view the aforementioned.

▶ Director Settle

- Re: 1. Offered a motion to place a resolution on the May 16, 2023 regular meeting agenda to request the Fort Chaffee Redevelopment Authority (FCRA) to donate the Deer Trails Golf Course to the City of Fort Smith. Director Martin seconded the motion; therefore, because placement of an item on a future agenda only requires the concurrence of two (2) directors, Vice-Mayor Rego announced the item will be placed on the agenda as requested.

Director G. Catsavis expressed discontent with the FCRA and requested legal review to determine if said entity can be disbanded and the Trust revoked.

City Attorney Jerry Canfield advised such can likely be done; however, since the establishment is per a State Act, specific procedures must be followed; however, he would have to review the matter.

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G. Catsavis offered a motion requesting the aforementioned matter to be reviewed to initiate revocation of the Trust to disband the FCRA. Director Settle seconded the motion.

Director Morton requested confirmation that the properties under the FCRA control are held in Trust whereby City Attorney Canfield confirmed such citing there are four (4) beneficiaries to the Trust.

Director Rego requested City Attorney Canfield provide any relevant information regarding the matter to the Board.

2. Regarding Fort Smith Juniors Volleyball, the 15 & 16 year old division team has qualified for the national championship competition in Chicago, Illinois this July. The 14 year old division team unfortunately lost their game by one (1) point that would've sent them to national competition for their division adding all the girls represented the city of Fort Smith very well and should be recognized and commended for such.

Vice-Mayor Rego announced the next item on the agenda was an executive session to conduct performance evaluations for the City Administrator and Internal Auditor (as requested by Directors Morton, Martin, Good and G. Catsavis on April 12, 2023). It was noted the City Administrator is still out-of-town whereby the Board concurred to delay his performance evaluation until his return.

There was brief discussion regarding conducting the performance evaluation for the Internal Auditor; however, Director Morton noted the absence of Mayor George McGill and conveyed his desire that Mayor McGill be present for such.

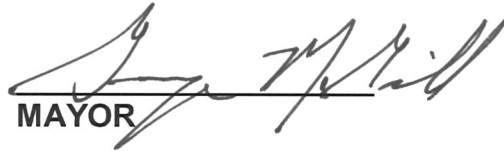
Settle, seconded by Martin, moved to table both performance evaluations to the May 16, 2023 regular meeting. Prior to the vote, Settle offered an amendment to the aforementioned motion to add that the performance evaluations include discussion regarding salary increases for 2023. Director G. Catsavis seconded the motion. The

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members voted as follows: ayes – Rego, Good, Morton, Settle, and Martin; nays – G. Catsavis and C. Catsavis. The Vice-Mayor declared the motion carried; therefore, both performance evaluations were placed on the May 16, 2023 regular meeting agenda.

There being no further business to come before the Board, Director G. Catsavis moved that the meeting adjourn. The motion was seconded by Director Settle. The members all voting aye, Vice-Mayor Rego declared the motion carried and the meeting stood adjourned at 6:55 p.m.

APPROVED:


MAYOR

ATTEST:


CITY CLERK, Acting