

Legistar ID No.:

2020-0476

AGENDA REQUEST FORM


FOR: Council Meeting of June 16, 2020

FROM: Council Member Teresa Turk

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO AMEND ORDINANCE NO. 6250 BY AMENDING ITS SECTION 2 TO DELAY ITS EFFECTIVE DATE UNTIL DECEMBER 15, 2020


APPROVED FOR AGENDA:



Mayor Lioneld Jordan

6/8/20


Date



Council Member Teresa Turk

6/8/20

Date



City Attorney Kit Williams
Approved as to form

June 8, 2020

Date



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Assistant City Attorney

Jodi Batker
Paralegal

TO: **Mayor Jordan**
City Council

CC: **Susan Norton**, Chief of Staff
Paul Becker, Finance Director

FROM: **Kit Williams**, City Attorney

DATE: **June 8, 2020**

RE: **Ban on single-use expanded polystyrene foam products delayed until December 15, 2020**

Mayor Jordan has already used his authority to delay the start of the ban on single-use polystyrene foam products by restaurants and others from its original intended start date of May 1, 2020 (almost six months from Ordinance No. 6250's passage on November 6, 2019) until July 1, 2020. Some restaurants have informed the City of continuing problems with their supply chain (sometimes the franchising company) that has not allowed them to obtain all the single-use Styrofoam products made in a more recyclable material. They requested a delay in the effective date until 2021. Attached is their email to Mayor Jordan.

The City's direct, person-to-person, outreach program has only contacted about 20 restaurants although the City has established a webpage, done a press release, and given media interviews. The Covid-19 pandemic pretty much stopped our direct outreach program, but if the City Council grants a delay in the effective date of the ordinance, City staff will have over five months to contact virtually every manager/owner of a Fayetteville restaurant, provide them with our outreach brochure, and answer their questions and concerns.

Both co-sponsors of the single-use Styrofoam ban, Mayor Jordan and Council Member Turk, recommend the effective date be extended until December 15, 2020, to help our restaurants and ensure every owner/manager of a Fayetteville restaurant knows about this regulation and how best to conform with its requirements.

Mayor Jordan,

We would like to begin with saying thank you for your leadership and sincere concern and passion when it comes to the City of Fayetteville. You have been an exemplary leader and we support you and your efforts 100%.

We are writing today to ask for additional time on the polystyrene ban passed by the city council. We are Sonic Drive-In Franchisees and have owned and operated the Fayetteville Sonic Drive-Ins since 1989. At the time the initiative passed, the Fayetteville Sonics were number 17-20 out of 3500 Sonic Drive-Ins mandated to operate under similar polystyrene bans. We went to work with Sonic Purchasing to make sure there were available alternatives. Currently Sonic Corp provides 3 of our 5 cup sizes in plastic. We have not been able to source the iconic 44 ounce cup as of yet or our Kid's meal size. As supporters of Fayetteville and the future of recycling, we have tried to push our Franchisor to source a chainwide alternative solution to Sonic's iconic insulated cups. Long term, Sonic is looking at an eco friendly container, made of plastic, that insulates as well as polystyrene. The cost to each drive-in for the basic plastic solution available to us now will be in the range of \$10,000.00 per year per unit. The eco friendly cup would cost each location closer to \$15,000.00 per year and is actually not even available to us at this time. The reason our costs are so much higher is the incredible bulk pricing Sonic receives on polystyrene products.

We are also concerned at this time, with our ability to have an approved ample stock of plastic cups over the rest of this year. Distribution is quickly becoming a nightmare for all chain restaurants at this juncture of the pandemic. Not only is commodity pricing surging, our suppliers are seeing staffing and stocking issues. Many other locally owned franchised restaurant chains in Fayetteville are in similar situations. Sonic has remained strong through the Covid-19 pandemic. We have been able to stay open and keep all our staff working, but we are seeing supply issues across the board. Our Corporate supply people tell us all supply products will be volatile throughout the rest of 2020, not just the availability of a plastic alternative.

Although we are based in Fayetteville, we operate 29 Sonic locations in Arkansas, Missouri, Oklahoma, Iowa and Illinois. We believe in supporting the community and following the guidelines and laws in any area we operate, no matter the cost implications. We were grateful when you extended the start date to July 1, as it allowed us to focus on the safety our guests and employees. Due to these factors, we humbly ask that you and the council revisit the deadline for compliance and extend the date to January 1st, 2021. Please know we will do our best to make the transition no matter the timeframe.

Sincerely,

Kenneth V. Smith
John Friend
Brandon Drake
Matthew Mason