

MINUTES OF BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ MARCH 2, 2010 ~ 6:00 P.M.

FORT SMITH PUBLIC SCHOOLS SERVICE CENTER

The meeting was called to order by Mayor Ray Baker, presiding. Invocation was given by Director Cole Goodman, followed by the Pledge of Allegiance. On roll call the following members of the Board were present: Directors Steve Tyler, Andre' Good, Don Hutchings, Bill Maddox, Gary Campbell, Kevin Settle and Cole Goodman. A quorum was declared present.

Mayor Baker expressed great concern with the quality of life in Fort Smith due to the influx of illegal drugs and drug dealers into the city. He alleged both are coming from "countries to the south"; therefore, he declared an emergency and urged the following:

1. The City to provide all necessary means to the Police Department to better allow them to fight the war on drugs.
2. Immigration officials to enforce immigration laws.
3. Fort Smith residents to be watchful and report all suspicious activities.
4. Schools officials, both public and private, to educate students of the many dangers of drug and substance abuse.
5. Parents to constantly remind their children of the affects of drug use.
6. Businesses to be aware of dealings at the workplace and not employ undocumented workers.
7. All individuals to help with this serious matter to preserve our community.
8. Citizens to contact their congressional delegation to ensure national legislation is enacted to adequately address the issue.

March 2, 2010 Regular Meeting

The Mayor announced that he *“officially declares war on drug dealers and the lifestyle they bring”* and demanded they *“get out”* of Fort Smith.

Director Maddox noted much concurrence with Mayor Baker’s comments and further encouraged residents to thoroughly consider all congressional candidates views on immigration matters prior to casting their vote in this election year.

The minutes of the February 16, 2010 regular meeting were presented for approval. Settle, seconded by Campbell, moved approval of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

With regard to the time limit policy for persons wishing to address the Board, Mayor Baker communicated that five (5) minutes per side would be extended on controversial items with three (3) minutes for rebuttal per side. Two (2) minutes will be allotted for consent agenda items and for those participating in the Citizens Forum.

Mayor Baker opened the Citizens Forum with the following individuals present to address the Board:

- David Harris
2025 South “V” Street

Re: Due to budget concerns, he recommended the auto allowance for the Mayor and Board be temporarily suspended.

Director Maddox spoke in favor of the recommendation and noted that he provided a motion for such on two past occasions; however, each motion failed due to lack of a second.

- Tammy Trouillon
8000 Holly Avenue

March 2, 2010 Regular Meeting

Re: Read a prepared statement expressing concern with the existing policy whereby vicious dogs are deemed so only after an incident occurs. She recommended a more pro-active ordinance be adopted which requires 6 foot fencing for the keeping of large dogs or dog breeds pre-determined to be dangerous or vicious.

- Eric Arthur
811 North "B" Street

Re: Encouraged the City to recruit small businesses to come to Fort Smith.

- Jerry Hamel
4618 Wheeler Avenue

Re: Alleged the City of Fort Smith is \$274 million in debt and conveyed much discontent with the matter.

- Louis Vincent
28 Courtland Street

Re: Regarding employers within the city who hire illegal immigrants, he recommended the City impose a fine for the first offense. Upon the second offense, he recommended the City revoke their business license.

Item No. 1 was an ordinance rezoning identified property and amending the zoning map from Not Zoned to Residential-Single-Family-Medium/High Density by classification (7300 Massard Road)

Senior Planner Brenda Andrews briefed the Board on the item advising such is per the request of Ivey Owen, Executive Director of the Fort Chaffee Redevelopment Authority. The purpose of the proposed rezoning is to facilitate an 80 lot single-family development with lot sizes ranging from approximately 7,333 square feet to 11,160 square feet and lot widths at building line from 60 feet to 80 feet. A neighborhood meeting was held on

March 2, 2010 Regular Meeting

February 1, 2010 with two property owners, representatives of the proposed Stonebrook at Chaffee Crossing development, Cisterna Villa at Chaffee Crossing, Rausch-Coleman, Fort Smith Redevelopment Authority and the Fort Smith Planning Department in attendance. No objections to the proposed development were conveyed. The Planning Commission held a public hearing on February 9, 2010 with no individual present to speak in opposition. The Planning Commission approved the rezoning request by a vote of seven (7) in favor and zero (0) opposed.

Director Settle questioned the average square footage of the homes in the proposed development.

Mr. Steve Beam, engineer with Crafton Tull Sparks, advised the homes will range from 1,600 to 1,800 square feet, which is compatible with surrounding development.

Director Hutchings spoke in favor of the proposed item and commented the City is "very blessed" to have this type of residential development proceed.

Settle, seconded by Hutchings, 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 for its readings and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given No. 6-10.

Mayor Baker recognized Tariq Salem from Boy Scout Troop 4 who was in attendance to earn his citizenship badge.

Item No. 2 was an ordinance authorizing the Mayor to execute agreements for certain services for inhabitants of the city of Fort Smith

March 2, 2010 Regular Meeting

Director of Finance Kara Bushkuhl briefed the Board on the item advising such authorizes agreements for funding to certain community organizations as approved in the 2010 Budget. The proposed funding is separate from the annual outside agency funding, which the Outside Agency Task Force is currently reviewing and their recommendations will be presented for consideration in the near future.

Due to the comments of Mr. Hamel in the citizens forum, Mayor Baker requested confirmation that the total indebtedness quoted is a summation of all City bonds.

Ms. Kushkuhl confirmed and advised the amount includes the total due for sales tax bonds, water and sewer bonds, one solid waste revenue bond, and one Parking Authority bond. The financing of said bonds, in some cases, extends for twenty to twenty-five years. The City has consistently paid its debt and due to such, the City currently maintains an excellent or very high bond rating.

Campbell, seconded by Maddox, moved adoption of the ordinance. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given No. 7-10.

Item No. 3 was a resolution of the City of Fort Smith certifying local government endorsement of business to participate in the Tax Back Program (as authorized by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003) (*Metal Sales Manufacturing Corporation ~ 7510 Ball Road*)

Deputy Administrator Ray Gosack briefed the Board on the item advising Metal Sales Manufacturing is a new business which anticipates an investment of \$4.1 million and the hiring of up to 15 employees. The company will manufacture metal roof, wall, and

March 2, 2010 Regular Meeting

fascia and soffit panel systems at its Fort Smith location. The proposed resolution is required in order for the company to participate in the sales tax rebate program; therefore, he recommended approval.

Campbell, seconded by Hutchings, moved adoption of the resolution. The members all voting affirmatively, the Mayor declared the motion carried. Settle, seconded by Good, 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 given No. R-38-10.

Item No. 4 was a resolution encouraging Cox Communications to restore programming to channel tiers accessible to subscribers without digital service.

Mr. Gosack briefed the Board on the item advising such is per the request of Mayor Baker at the February 16, 2010 regular meeting. Upon approval, he advised a copy of the resolution will be forwarded to Cox Communications.

Hutchings, seconded by Maddox, moved adoption of the resolution. The members voted as follows: ayes - Hutchings, Maddox, Campbell and Goodman; nays - Tyler and Good; abstention - Settle. The Mayor declared the motion carried and the resolution was adopted and given No. R-39-10.

The Consent Agenda (Item No. 5) was introduced for consideration, the items being as follows:

- A. Resolution authorizing the purchase of a tactical vehicle for use by the Fort Smith Police Department (\$79,994.00)

March 2, 2010 Regular Meeting

- B. Resolution authorizing the Mayor to enter into an agreement with the Western Arkansas Tennis Association for operation of the tennis center at Creekmore Park
- C. Resolution authorizing Change Order Number Two with Crossland Heavy Contractors, Inc. for construction of the Lake Fort Smith Water Treatment Plant - Contract 3 (\$89,078.00)
- D. Resolution authorizing an amendment to the engineering services agreement with Mickle Wagner Coleman, Inc. for Howard Hill Elevated Water System Improvements (\$16,689.00)

Regarding Item No. 5D, Director Settle advised a final payment, which included the assessment of \$38,000 in liquidated damages, was recently approved for the project; therefore, he questioned why the proposed amendment is now being presented for consideration.

Director of Utilities Steve Parke advised that such is due to an accounting error. Due to the assessment of liquidated damages in which the project was not completed on time, such required additional engineering work that was not included within the original engineering services agreement. The funds to provide for the proposed amendment are available via the funds recovered from the liquidated damages assessment.

Maddox, seconded by Campbell, moved adoption of all consent agenda items. The members all voting affirmatively, with the exception of Director Settle voting "no" on Item No. 5D, the Mayor declared the motion carried and the resolutions were adopted and numbered R-40-10 through R-43-10 respectively.

Mayor Baker opened the Directors Forum with no director wishing to comment.

The Mayor offered the floor to Administrator Kelly for the City Administrator's Report; however, Mr. Kelly had no announcements.

March 2, 2010 Regular Meeting

Mayor Baker reiterated and urged all necessary action be taken to ensure all contractors doing work for the City employ only documented workers.

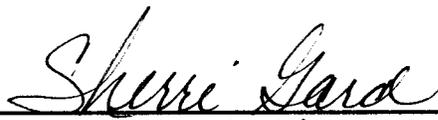
There being no further business to come before the Board, Maddox moved that the meeting adjourn. The motion was seconded by Good and the members all voting aye, the Mayor declared the motion carried, and the meeting stood adjourned.

APPROVED:



MAYOR

ATTEST:



CITY CLERK *acting*