

MINUTES OF BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ AUGUST 3, 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 Reverend Lorenzo Lee, followed by the Pledge of Allegiance. On roll call the following members of the Board were present: Directors Steve Tyler, Don Hutchings, Bill Maddox, Kevin Settle and Cole Goodman; absent - Director Gary Campbell. Director Andre' Good arrived after roll call. The Mayor declared a quorum present.

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

The minutes of the July 20, 2010 regular meeting were presented for approval. Settle, seconded by Tyler, moved approval of the minutes as written. The members present 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.

Item No. 1 consisted of a presentation regarding the Fort Smith Museum of History Centennial Celebration.

The following individual was present to address the Board:

- Phil White, President
Fort Smith Museum of History

Re: Announced the museum will soon be celebrating 100 years of existence (December 10, 1910) and provided

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multiple historical facts regarding such. He recognized the following individuals, who have contributed to the continued existence of the museum, and presented a gold commemorative coin to each:

- Mayor Ray Baker, founder of the Frontier Achievement Awards
- Jim Dunn, Director of the U.S. Marshals Museum
- Bill Black, Director of the National Historic Site
- Dr. Art Martin, Director/Founder of the Fort Smith Trolley Museum
- Claude Legris, Advertising and Promotion Commission (Miss Laura's)
- Leisa Gramlich, Director of the Fort Smith Museum of History

Mayor Baker expressed much appreciation and announced that the City will host a reception in December to honor the museum's centennial celebration.

Item No. 2 was an ordinance rezoning identified property and amending the zoning map (*Residential Single Family Row House & Zero Lot Line District (RS-5) to Residential Single-Family Duplex High Density (RSD-4) by classification located at 4121-4119; 4102-4100; 4017-4015; 4007-4005; 4003-4001; and 4002-4000 Seminole Circle*)

Director of Development Services Wally Bailey briefed the Board on the item advising such is per the request of Pat Mickle, agent. The purpose of the rezoning is to allow for the construction of six (6) duplexes consisting of twelve (12) dwelling units north of the intersection of Cliff Drive and Seminole Circle. A neighborhood meeting was held on June 23, 2010 with no property owners in attendance; however, the developer spoke with the Lynn Ellison with the Fort Smith Public Schools and Matt Scott, Vice President of Kelley Realty Company who convey no opposition to the proposed rezoning. The Planning Commission held a public hearing on July 13, 2010 with no individual present to speak in

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opposition. The Planning Commission approved the rezoning by a vote of six (6) in favor and zero (0) opposed.

Director Settle noted that the request includes two (2) different zoning classifications; therefore, he questioned the reason only one (1) blanket rezoning was not requested.

Mr. Bailey noted that the developer wishes to keep some of the development locations with a zero lot line; therefore, the proposed two (2) zoning classifications are required in order to accommodate such.

Hutchings, seconded by Maddox, 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 present all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given No. 36-10.

Item No. 3 was an ordinance rezoning identified property and amending the zoning map (*Commercial-2 to Commercial-5 by extension located at 7601 Rogers Avenue*)

Administrator Kelly announced that the applicant has requested the matter be postponed to the August 17, 2010 regular meeting and introduced Mr. John Alan Lewis to speak on behalf of the item.

Mr. Lewis confirmed the request for postponement; however, to ensure adequate time to address unresolved title issues, he requested the matter be tabled to the September 7, 2010 regular meeting.

Settle, seconded by Goodman, moved to postpone consideration of the item to the

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September 7, 2010 regular meeting. The members present all voting affirmatively, the Mayor declared the motion carried.

Item No. 4 was an ordinance accepting certain territory into the city of Fort Smith, State of Arkansas (*Landfill property and FCRA property*)

Mr. Bailey briefed the Board on the item as discussed at the July 13, 2010 study session. The subject property contains approximately 412.30 acres contiguous to other landfill property owned by the City and approximately 24.70 acres owned by the Fort Chaffee Redevelopment Authority. The Board of Directors approved Resolution No. R-59-10 authorizing and directing the City Administrator and City Attorney to present the petition for annexation. The Fort Chaffee Redevelopment Authority (FCRA) also adopted a resolution approving the annexation petition. The Sebastian County Court approved the petition and entered an Order of Annexation on June 22, 2010. No objection to the Order has been filed; therefore, he recommended approval.

Goodman, 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 present all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given No. 37-10.

Item No. 5 was a resolution adopting the Fort Smith Redevelopment Plan 2010 proposed by the Fort Smith Housing Authority.

Mr. Ken Pyle, Executive Director of the Fort Smith Housing Authority, briefed the Board on the item as discussed at the July 27, 2010 study session. Due to concern

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expressed, the proposed resolution includes language that the use of eminent domain for projects within the redevelopment plan must first be approved by the Fort Smith Board of Directors. To advise the public of the redevelopment plan and to receive public input, three (3) public hearings were held in various locations on June 17, July 8 and July 13.

Director Maddox questioned if the Board of Directors may dissolve the development plan, if the Board feels the projects begin to “go in a different direction” than originally anticipated. He further inquired of the location for the first projects and if the FSHA must approve each specific project.

With regard to dissolution of the development plan, City Attorney Jerry Canfield advised such would require a thorough review and will initiate said review if so requested; however, Director Maddox advised further review is not necessary.

Regarding the location of projects, Mr. Pyle advised the redevelopment plan will be initiated in low-income locations which are eligible for new market tax credits and will encompass most areas in north Fort Smith and along Towson Avenue to approximately Dodson Avenue. Regarding approval, a separate advisory board must be established to review and recommend specific projects for approval by the FSHA. No member of the FSHA shall serve on the advisory board, which is expected to consist of seven (7) members.

Director Hutchings expressed much gratitude for the detailed information provided and urged the FSHA to continue to keep the Board updated and informed of ongoing projects.

Director Good also conveyed appreciation to Mr. Pyle for the open communication

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and the multiple meetings held to inform the public of the redevelopment plan.

Director Tyler noted that application for the new market tax credits will be submitted in 2011; however, he questioned when the actual funds are expected to be distributed.

Mr. Pyle advised that tax credit allocations are generally announced approximately three (3) to six (6) months after the application deadline with disbursement soon thereafter. The allocation is expected as early as summer 2011; however, due to the possible congressional approval of the Tax Extender Bill, the funds could be received earlier than anticipated.

Hutchings, seconded by Tyler, moved adoption of the resolution. The motion included suspending the rule to allow the three (3) full readings of the resolution to be by caption and for the readings to occur on the same date. The City Clerk read the resolutions for its readings and the members present all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given No. R-148-10.

Item No. 6 was a resolution of intent of the Board of Directors of the City of Fort Smith, Arkansas regarding the issuance of bonds for the purpose of assisting in the financing of an industrial facility expansion to be located within the city

Deputy Administrator Ray Gosack briefed the Board on the item advising the Gerber Products Company has been chosen for an expansion with the addition of a cereal manufacturing line at the Fort Smith facility. Such is anticipated to create fifty (50) new jobs and is an estimated \$90 million investment. The bond ordinance will be presented for approval in the near future.

Settle, seconded by Goodman, moved adoption of the resolution. The members

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present all voting affirmatively, the Mayor declared the motion carried. Hutchings, seconded by Maddox, moved adoption of Section 4 the emergency clause. The members present all voting affirmatively, the Mayor declared the motion carried and the resolution and emergency clause were adopted and given No. R-149-10.

The Consent Agenda (Item No. 7) was introduced for consideration, the items being as follows:

- A. Resolution accepting the bid for and authorizing the purchase of transit passenger shelters (\$103,513.00)
- B. Resolution authorizing the settlement of just compensation issues with Leslie Lee Webb, Jr. and Amanda Jo Webb for real property acquired for the East Highway 45 Water Line Improvement Project, Project No. 06-03-C1 (\$3,500.00)
- C. Resolution authorizing an amendment to the agreement with Hawkins-Weir Engineers, Inc. for engineering services associated with the Sunnymede Wet Weather Flow Management Improvements (\$166,000.00)

Regarding Item No. 7A, Director Settle requested a brief explanation regarding funding for the transit shelters.

Director of Public Transit Ken Savage advised funding for the shelters is from stimulus monies from the Americans Recovery Reinvestment Act; therefore, no City funds are being utilized for the purchase.

Director Tyler questioned if the shelters consist of only a top covering or fully enclosed.

Mr. Savage advised the shelters have metal roofing with only a screen type vertical enclosure on three (3) sides. Staff opted not to purchase the glass or plexi-glass enclosed

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shelters in hopes to prevent graffiti and vandalism.

With regard to Item No. 7B, Director Maddox noted the size of the subject property and expressed concern with the settlement amount.

Director of Utilities Steve Parke noted that the proposed settlement amount is much less than originally requested by the property owners. They had indicated their intent to obtain a private appraisal, but such has not been accomplished to date. The proposed settlement is a result of ongoing negotiations in order to resolve the matter.

Settle, seconded by Good, moved approval of all consent agenda items. The members present all voting affirmatively, the Mayor declared the motion carried and the resolutions were adopted and numbered R-150-10 through R-152-10 respectively.

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

► **Mayor Baker**

- Re:
1. Recognized Christopher Welch of Boy Scout Troop 19, who was in attendance to earn his citizenship badge. He also acknowledged that 2010 is the 100th year for the Boy Scouts organization.
 2. Extended congratulations to Ms. Alyse Eady of Fort Smith for recently being crowned Miss Arkansas.
 3. Advised he has received negative remarks regarding an alleged comment regarding motorcycle groups in the city. He clarified that the comment was not made by him, but Officer Danny Baker with the Fort Smith Police Department.
 4. Announced that Director Maddox's birthday is tomorrow, August 4, and everyone joined in to sing "Happy Birthday".

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▶ Director Goodman

Re: 1. Announced that according to Kiplinger Magazine, Fort Smith was ranked 1st as the "Least Expensive Place to Live in the U.S."

Director Settle read an excerpt from the Kiplinger Magazine which stated that Arkansas is a "low cost, low tax state....and everything in Fort Smith is a bargain". Forbes Magazine also ranked Fort Smith as 3rd in the nation for its cost of living.

2. Due to the recent action of the Board of Directors adopting a resolution and requesting a J1 Visa waiver, such has resulted in better recruitment of physicians and allowed the city to obtain an excellent neuro-surgeon, Dr. Jorge Alvernia.

With regard to the time limit policy for persons wishing to address the Board in Citizens Forum, Mayor Baker communicated that two (2) minutes will be allotted to each person wishing to speak.

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

■ Tammy Trouillon
8000 Holly Avenue

Re: Reiterated concern for dogs running at large throughout the city and cited several statistics which indicate that an average of twelve (12) dogs run loose each day. Due to such, she also reiterated her continued request for the City to require six (6) foot fencing for all dog owners.

Director Settle spoke in opposition to requiring all private property owners to expand their fence height solely to prevent a dog that 'may' jump a four (4) foot fence.

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Mayor Baker expressed discontent with the continual request whereby Director Goodman called for a point of order to cease discussion on the matter. The Mayor noted agreement with Director Goodman and requested Administrator Kelly to initiate a final determination on Ms. Trouillon's request.

Mr. Kelly noted that the meeting procedure ordinance allows for individuals to address the Board on any matter not already on the agenda; however, he will inquire with the City Attorney as to the issue of redundancy.

- Jerry Hamel
4618 Wheeler Avenue

Re: Regarding the Kiplinger Magazine, he conceded that the city may have a low cost of living; however, he alleged the city also has the "lowest wages in the country".

Director Settle advised that according to Forbes Magazine, Fort Smith is ranked 3 out of 5 cities in the nation with regard to income; therefore, Fort Smith is not the lowest.

- John Hamel
3301 Old Greenwood Road

Re: Spoke in favor of a citizen's right to address the Board and questioned if the members of the Board actually meet with constituents of their respective wards.

- Paul Speer
Charleston, Arkansas

Re: Claimed the Kiplinger Magazine article does not mention tax rates in Fort Smith; therefore, he alleged Fort Smith has high tax rates.
Mayor Baker urged all to not allow the negative remarks of a few to deter the good news about Fort Smith.

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Director Goodman reiterated and read an excerpt from the article which states, "Arkansas a low cost, low tax state".

- Eric Arthur
815 North "B" Street

- Re: 1. To further address the budget shortfall, he recommended all vacant positions be eliminated.
2. Advised he is "happy" about the Kiplinger Magazine article about Fort Smith citing the city has a great labor force and is in a good location for centralized shipping.

- Louis Vincent
(No address provided)

- Re: Also alleged the city has exceptionally low wages and urged the City to actively recruit large businesses and manufacturers to the area.

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

APPROVED:



MAYOR

ATTEST:


CITY CLERK