

## **MINUTES OF BOARD OF DIRECTORS REGULAR MEETING**

**TUESDAY ~ AUGUST 17, 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 Fort Smith citizen Pam Weber 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 advised that the presentations to recognize volunteers with the World Changers organization (Item No. 1) would be held at this point in the meeting, and the remainder of the agenda would be followed in its original order.

The Mayor called upon Brenda Andrews, Senior Planner, to assist with the presentations. The World Changers organization is a network of Southern Baptist Churches and other evangelical churches sharing a 20 year history of volunteerism and community outreach. During the week of June 15<sup>th</sup>, 324 youth and young adults traveled to Fort Smith to help with the City's *Good Neighbors* event. In addition, numerous local citizens and businesses donated labor and services, and both groups collectively donated over 10,000 hours towards the event. Community Development Block Grant funds of \$33,000 were used for purchasing materials. The amount of donated labor would have easily exceeded \$100,000. In a four day period, 31 houses were repaired ranging from roofs, painting, siding, etc., and this made for the most successful *Good Neighbors* event since its inception in 2004. The following groups/individuals were recognized for their participation in the event:

**World Changers**

Robert and Beverly Turner

**Local Chapter of the American Institute of Architects**

Mark Evans ~ E Squared Architecture & Interior Design  
Shannon Reith, Chip Johnson, & James Reddick ~ Guest - Reddick Architects  
Graham Sharum ~ Architecture Plus, Inc.

**Crawford-Sebastian Community Development Council**

Debbie Biggs, Weatherization Director

**First Christian Church Disciples Men's Fellowship**

Reverend Randy Jay  
Jordon Weiler  
Steve Tyler  
Dave Pulliam

**Scott Long Plumbing** ~ Scott Long

**Green Team** ~ LeeAnn Lea

**JM Supply** ~ Joey Miller

**Cliff's Repairs** ~ Cliff Jergins

**Bailey Electric** ~ Luther Bailey

**City Departments/Staff**

Baridi Nkokheli and Blake Kendrick ~ Department of Sanitation  
Jimmie Deer, Rick Ruth, & Ed Dewitt ~ Building Safety Division  
Shawn Gard ~ Neighborhood Services  
David Smith and Scot Dobbs ~ Community Development

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 August 3, 2010 regular meeting were presented for approval. Maddox, seconded by Hutchings, 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.

Mayor Baker announced that this was the time and place set for a public hearing to consider an ordinance authorizing the issuance of Industrial Development Revenue Bonds under the Municipalities and Counties Industrial Development Revenue Bond Law of the American Recovery and Reinvestment Act of 2009 for the purpose of securing and developing industry; authorizing the sale of the bonds and the approval of a bond purchase agreement and a payment in lieu of taxes agreement in connection therewith; authorizing the execution and delivery of a trust indenture securing the bonds; authorizing and prescribing certain matters pertaining to the industrial project, the acquisition, construction and equipping thereof, and the financing thereof; authorizing the execution and delivery of a lease agreement relating to the project; prescribing other matters relating thereto; and declaring an emergency ~ Mitsubishi Power Systems Americas, Inc. ("Mitsubishi") ~ (Item No. 2)

Deputy Administrator Ray Gosack briefed the members on the item advising that Mitsubishi plans to begin construction of its new wind turbine manufacturing plant at Chaffee Crossing in October. Mitsubishi will spend approximately \$50 million constructing and equipping its Fort Smith plant, expecting to employ 330 persons when production begins in late 2011 or early 2012. This bond issue is one of the incentives offered by the City to attract Mitsubishi. He reviewed the companion documents as referenced in his memo of August 13, 2010 as such was included in the board meeting packet.

There being no persons present to speak in the public hearing, Mayor Baker declared the public hearing closed.

Settle, seconded by Campbell, moved to suspend with the full reading of the ordinance. The members all voting affirmatively, the Mayor declared the motion carried, and the City Clerk read the ordinance for its readings.

Campbell, seconded by Settle, moved adoption of the ordinance. The members all voting affirmatively, the Mayor declared the motion carried.

Hutchings, seconded by Maddox, moved adoption of Section 14, the emergency clause. The members all voting affirmatively, the Mayor declared the motion carried, and the ordinance and emergency clause was adopted and given No. 38-10.

Item No. 3 was an ordinance ordering the owners of certain dilapidated and substandard structures to demolish same, authorizing the City Administrator to cause the demolition of such structures to occur, and for other purposes (storage buildings only at 801 North 48<sup>th</sup> Street and 812 South 23<sup>rd</sup> Street).

Building Official Jimmie Deer briefed the members on the item, advising that the owners of the properties had been notified in accordance with city code, and to date, have made no contact with his office, or made any attempt to remove the structures.

Good, 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 all voting affirmatively, the Mayor declared the motion carried. Campbell, seconded by Maddox, moved adoption Section 5, the emergency

clause. The members all voting affirmatively, the Mayor declared the motion carried, and the ordinance and emergency clause was adopted and given No. 39-10.

Item No. 4 was an ordinance amending Chapter 2 Article IV of the Fort Smith Code of Ordinances to create a nepotism policy relating to elected officials, as such was considered by the Board during the August 10<sup>th</sup> study session.

Administrator Kelly advised that at the Board's request, sub-paragraph "b" was revised to reflect only immediate family members.

The following individual was present to address the item:

- Eric Arthur  
815 North B Street

With reference to Section 2-97 of the ordinance, suggested a five (5) year period rather than the proposed two (2) years before a former elected official can be appointed as an employee of the City or have any interest in any contract or job for work for services for the City.

Settle, seconded by Hutchings, moved adoption of the ordinance, 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 voted as follows: ayes - Good, Hutchings, Maddox, Campbell, Settle, and Goodman; nays - Tyler. The Mayor declared the motion carried, and the ordinance was adopted and given No. 40-10.

Item No. 5 was an ordinance amending the plan of organization chart adopted in the 2010 budget.

Administrator Kelly briefed the members on the item as such was discussed at the August 10<sup>th</sup> study session. He advised that the realignment of the organization chart is

necessary to reflect those department directors who will begin reporting directly to the city administrator, and those that will report directly to the deputy city administrator.

The following individual was present to address the item:

- Eric Arthur  
815 North B Street

Indicated that he would like to see the city government operate more like the private sector; the city administrator would serve as the chief executive officer.

Settle, 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 all voting affirmatively, the Mayor declared the motion carried, and the ordinance was adopted and given No. 41-10.

The Consent Agenda (Item No. 6) was introduced for consideration, the items being as follows:

- A. Resolution granting a temporary revocable license for the placement of a brick planter in a public right-of-way and authorizing the Mayor to execute agreement ~ University of Arkansas-Fort Smith ~
- B. Resolution accepting bids for the purchase of water and wastewater chemicals
- C. Resolution authorizing partial payment to Crossland Heavy Contractors, Inc. for construction of the Lake Fort Smith Water Treatment Plan - Contract 3 (\$2,629,637.00)
- D. Resolution authorizing the Mayor to execute Authorization Number Two with EDM Consultants, Inc., for the Neighborhood Water System Improvements - North 66<sup>th</sup> Street, Old Greenwood Lane, and Duncan Road (\$19,000.00)

- E. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Forsgren, Inc., for the Neighborhood Water System Improvements - North 66<sup>th</sup> Street, Old Greenwood Lane, and Duncan Road (\$299,609.00)

The following individual was present to address item D:

- Eric Arthur  
815 North B Street

Questioned necessity of hiring a consultant for the project when staff should be able to do the work.

Director of Utilities Steve Parke responded that the department does not maintain an inspections staff, and clarified for Mr. Arthur that the engineering department oversees the street and drainage improvement projects, not water/sewer projects.

**NOTE: Mayor Baker briefly left the meeting and Vice-Mayor Campbell presided.**

Maddox, seconded by Hutchings, moved approval of all consent agenda items. The members all voting affirmatively, the Vice Mayor declared the motion carried, and the resolutions were adopted and numbered R-153-10 through R-157-10 respectively.

The Vice Mayor opened the Officials Forum with the following comments offered:

- ▶ Director/Vice Mayor Campbell  
  
Noted that his absence from the previous two board meetings was due to his attendance at the 100<sup>th</sup> Anniversary of the Boy Scouts of America Jamboree held in Bowling Green, Virginia. He made the commitment two years ago to help with the anniversary celebration. It was a very rewarding experience attended by over 45,000 scouts, leaders, and staff from all 50 states, territories, and foreign countries.
- ▶ Administrator Kelly
  1. The first annual meeting of the Regional Inter-Modal Transportation Authority will be held Wednesday, August 18<sup>th</sup>, 11:30 a.m., UA-Fort Smith.

2. UA-Fort Smith will present its 5-year strategic plan on Thursday, August 19<sup>th</sup>, 5:30 p.m., Arkansas Best Performing Arts Center.

**NOTE: Mayor Baker returned and presided for the remainder of the meeting**

An executive session was held and after reconvening Mayor Baker announced the following appointment nominations:

**HOUSING ASSISTANCE BOARD**

Tonya Novak

Completing term of Larry Combs  
Term expires April 30, 2011

**PLANNING COMMISSION**

John Huffman

Completing term of Brandon Woodrome  
Term expires April 30, 2012

Marshall Sharpe

Completing term of Jennifer Canada  
Term expires April 30, 2013

Campbell, seconded by Maddox, moved approval of the appointment nominations.

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 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 individual present to address the Board:

- Eric Arthur  
815 North B Street

Suggested that operation of the convention center be turned

over to a private agency, or UA-Fort Smith to be part of the university's college of the arts.

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 all voting aye, the Mayor declared the motion carried, and the meeting stood adjourned.

**APPROVED:**

A handwritten signature in cursive script that reads "Ray Baker". The signature is written in black ink and is positioned above a horizontal line.

**MAYOR**

**ATTEST:**

A handwritten signature in cursive script that reads "Cindy Kemler". The signature is written in black ink and is positioned above a horizontal line.

**CITY CLERK**