

MINUTES OF BOARD OF DIRECTORS SPECIAL MEETING

TUESDAY ~ FEBRUARY 24, 2011 ~ 6:00 P.M.

FORT SMITH PLANNING DEPARTMENT CONFERENCE ROOM

The special meeting was called by Directors Tyler, Good, Weber and Merry at the February 15, 2011 regular meeting to allow for the third and final reading of the following item:

- Ordinance providing for the levy of a tax on the gross receipts or gross proceeds received by restaurants, cafes, catering cafeterias, delicatessens, drive-in restaurants, carry-out restaurants, concession stands, convenience stores, and grocery store-restaurants from the sale of prepared food and beverages for on-premises or off-premises consumption; to declare an emergency and prescribing other matters pertaining thereto ~ *third and final reading* ~

The special meeting was called to order by Mayor Sandy Sanders, presiding. On roll call the following members of the Board were present: Directors Steve Tyler, Andre' Good, Don Hutchings, George Catsavis, Pam Weber, Kevin Settle and Philip Merry. The Mayor declared a quorum present.

The City Clerk read the above noted ordinance in its entirety for its third and final reading.

Weber, seconded by Merry, moved adoption of Section 6 the emergency clause. The members voted as follows: ayes - Tyler, Good, Weber and Merry; nays - Hutchings, Catsavis and Settle. The Mayor declared the motion defeated as such required five (5) affirmative votes for passage.

Director Settle noted Director Weber requested at the February 22, 2011 study session that an independent firm be selected to perform a Water and Sewer Operations Efficiency Study. Regarding such, he moved to amend Director Weber's request to include the following provisions:

1. The Purchasing Department and Internal Auditor Mitzi Kimbrough be actively involved in the selection process.
2. The study include all water and sewer capital improvements from the past ten (1) years and anticipated improvements for the next (5) years.
3. The independent firm selected shall not have done business with the City of Fort Smith.
4. Once selected, the independent firm address the Board of Directors prior to initiation of the efficiency study.
5. The firm shall periodically report to Internal Auditor Mitzi Kimbrough throughout the efficiency study.

City Administrator Ray Gosack advised that the proposed inclusion of the water and sewer capital improvements would drastically increase the cost and lengthen completion time for the requested study.

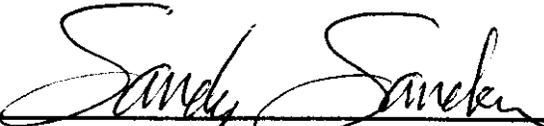
Director Settle withdrew the provision regarding capital improvements and Director Weber seconded the motion.

Mr. Gosack noted that due to the magnitude of the study, the cost is anticipated to exceed \$40,000; therefore, upon selection of the independent firm, a resolution will be presented to the Board for approval of the contract.

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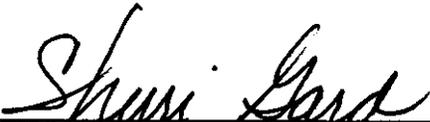
There being no further business to come before the Board, Hutchings moved that the meeting adjourn. The motion was seconded by Tyler, and the members all voting aye, the Mayor declared the motion carried, and the special meeting stood adjourned at approximately 6:08 p.m.

APPROVED:



MAYOR

ATTEST:



CITY CLERK