

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ APRIL 19, 2011 ~ 6:00 P.M.

FORT SMITH PUBLIC SCHOOLS SERVICE CENTER

The meeting was called to order by Mayor Sandy Sanders, presiding. Invocation was given by Director Don Hutchings, followed by the Pledge of Allegiance. 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 Phillip H. Merry, Jr. The Mayor declared a quorum present.

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

Mayor Sanders urged all those who wish to address the Board of Directors during the meeting to promptly complete a speakers card and submit to the City Clerk. He further advised those wishing to speak need only provide their name and city of residence when addressing the Board.

The minutes of the April 5, 2011 regular meeting were presented for approval. Settle, 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 Sanders 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.

Item No. 1 was an ordinance amending Chapter 4, Article I, Section 4-1 of the Fort

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Smith Municipal Code regulating animals (*definitions to address tethering of animals*)

City Administrator Ray Gosack briefed the Board advising the item is merely a technical correction regarding recent adoption of the tethering ordinance. Such referred to a trolley system, but the definition was not included within the adopted ordinance. The proposed item simply adds the aforementioned definition; therefore, he recommended approval.

The following individuals were present to address the Board:

- Ramona Roberts
Fort Smith, Arkansas

Re: Briefly advised of the effects of tethering a dog, conveyed much appreciation for adoption of the tethering ordinance and recommended approval of the proposed item.

- Elizabeth Gist
Fort Smith, Arkansas

Re: Also extended much appreciation to the Board for the recent adoption of the tethering ordinance.

Weber, seconded by Good, moved adoption of 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 voted as follows: ayes - Tyler, Good, Catsavis, Weber and Merry; nays - Hutchings and Settle. The Mayor declared the motion carried. Good, seconded by Tyler, moved adoption of the emergency clause. The members voted as follows: ayes - Tyler, Good, Catsavis, Weber and Merry; nays - Hutchings and Settle. The Mayor declared the motion carried and the ordinance and emergency clause were

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adopted and given No. 27-11.

Item No. 2 was an ordinance amending Ordinance No. 9-11 regarding property located at 2101 North 52nd Street

Administrator Gosack briefed the Board advising Ordinance No. 9-11, adopted February 3, 2011, authorized demolition of the above noted structure. The owners are deceased; however, staff was recently contacted by a relative, Stephanie Kear, who requested the City delay demolition. Several investors have indicated their desire to purchase and renovate the structure; therefore, she requested an extension to allow the family to file probate action to obtain legal ownership, which is necessary in order to sell the property. If the Board so desires to grant the requested extension, staff recommends such extension be granted for no more than six (6) months, with a provision that a progress report be submitted after three (3) months.

The following individual was present to address the Board:

- David Greene
Fort Smith, Arkansas

Re: Advised the structure has been in disrepair for several years and due to such, he and the surrounding neighbors "need something done"; therefore, he urged the Board to allow the previously authorized demolition to proceed.

Directors Settle and Tyler expressed concern with the length of time the structure has been in disrepair; therefore, each spoke in favor of proceeding with the demolition.

Director Weber inquired how long the City of Fort Smith has been working with the owner of the structure.

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Building Official Jimmie Deer advised the City has been involved for a couple of years and made contact with the heirs on multiple occasions; however, no attempt has been made to make the necessary repairs. Such disregard prompted formal action to demolish the structure. He conveyed much assurance that staff has tried to urge the heirs to take action to avoid demolition, but to no avail.

The Board took no action on the ordinance; therefore, Mayor Sanders declared the ordinance defeated for lack of a motion, and clarified the previously approved demolition shall proceed.

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 ~ *722 South 23rd Street (rear building only); 3925 High Street and 2145 North 30th Street ~*

Administrator Gosack briefed the Board on the item advising the structures have been determined to be unsafe and detrimental to the public welfare; therefore, he recommended approval of the ordinance.

Settle, seconded by Merry, 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. Weber, seconded by Tyler, moved adoption of Section 5 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. 28-11.

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The Consent Agenda (Item No. 4) was introduced for consideration, the items being as follows:

- A. Resolution to accept the bids and authorize contracts for the construction of Street Overlays/Reconstruction, Project No. 11-03-B (\$1,864,982.00)
- B. Resolution to accept the bids and authorize contracts for the construction of Street Overlays/Reconstruction, Project No. 11-03-C (\$1,335,843.51)
- C. Resolution authorizing partial payment to Forsgren, Inc. for the construction of Chad Colley Boulevard Extension, Project No. 10-00-A (\$773,237.16)
- D. Resolution authorizing execution of lease agreement with Webster University for space on the lower level of the Convention Center Annex
- E. Resolution authorizing final payment to Preload, Inc. for construction of the Lake Fort Smith Water Treatment Plant 4-Million Gallon Clearwell (\$107,025.00)
- F. Resolution authorizing a change order with Dixon Contracting, Inc. for the Sunnymede Walking Trails (-\$276.73)
- G. Resolution accepting the project as complete and authorizing final payment to Dixon Contracting, Inc. for construction of the Sunnymede Walking Trails (\$31,854.72)

Good, seconded by Hutchings, moved adoption of all consent agenda items. The members all voting affirmatively, the Mayor declared the motion carried and the resolutions were adopted and numbered R-69-11 through R-75-11 respectively.

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

► Director Settle

Re: Extended congratulations to the Air National Guard 188th Fighter Wing for receiving the second highest

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score in recent testing thereby earning the Air Force Outstanding Unit Award. Due to such, he requested a resolution recognizing same be presented at the next regular meeting.

Such requires two (2) directors to place an item on an agenda; therefore, Hutchings agreed to the placement.

▶ Director Tyler

Re: Recognized the Junior League of Fort Smith for their recent *"Kids in the Kitchen"* event, which promotes healthy lifestyle choices and helps reverse the growth of childhood obesity. Approximately 275 kids, along with their parents, participated in the event at the University of Arkansas Fort Smith. Such coincides with First Lady Michelle Obama's *"Let's Move"* Campaign and noted that Fort Smith maintains the designation as a *"Let's Move City"*.

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

HOUSING ASSISTANCE BOARD

Jim Rose (reappointment)
Gary Campbell (reappointment)
Allene Stafford (reappointment)
Joe Hardin
Terms expire April 30, 2014

OUTSIDE AGENCY REVIEW PANEL

Elizabeth Momand (Arts & Humanities)
Kathy Davis (Core)
Susan Krafft (Social/Community Services)
Terms expire March 31, 2014

Hutchings, seconded by Tyler, moved acceptance of the appointment nominations.

The members all voting aye, the Mayor declared the motion carried.

Administrator Gosack announced the appointment nomination of Jeff Dingman as

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Deputy City Administrator effective June 6, 2011 at a starting annual salary of \$94,000. He provided a brief overview of the selection process, as well as a brief history of Mr. Dingman's ties to the Fort Smith region.

Mayor Sanders announced the Board would now consider Item No. 5, a resolution confirming the above noted appointment.

Merry, seconded by Hutchings, moved adoption of the resolution confirming the appointment of Mr. Jeff Dingman as Deputy City Administrator with the effective date and salary so noted. The members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given R-76-11.

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

- Eric Arthur
Fort Smith, Arkansas

Re: Read the City of Fort Smith Vision Statement and noted differences in the 'Plan of Organization' over the past several years.

- Liz Armstrong
Fort Smith, Arkansas

Re: Expressed discontent with the City of Fort Smith employee inclement weather policy citing such is a "misuse of tax dollars". Due to such, she recommended the policy be abolished.

- Mike Smith, owner of Beland Manor Bed and Breakfast
Fort Smith, Arkansas

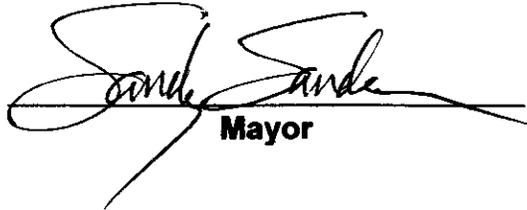
Re: Advised a business license was recently issued for a doughnut shop next to his establishment and noted that early morning deliveries (approximately 4:30 a.m.)

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are disturbing his guests. Although the property was properly zoned for such business, he recommended in the future, the City of Fort Smith thoroughly consider the affect new businesses will have on surrounding property prior to issuance of a business license.

There being no further business to come before the Board, Settle moved that the meeting adjourn. The motion was seconded by Weber and the members all voting affirmatively, the Mayor declared the motion carried and the meeting stood adjourned at 6:54 p.m.

APPROVED:


Mayor

ATTEST:


City Clerk