MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ APRIL 3, 2012 ~ 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 Odell Curtis Pastor of Gods House of Prayer and chaplain at the Sebastian County Jail, 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.

The minutes of the March 20, 2012 regular meeting were presented for approval. Good, seconded by Settle, moved approval of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

Mayor Sanders announced this was the time and place set for a public hearing regarding the Year 38 Community Development Block Grant (CDBG) budget, the Year 19 HOME Investment Partnership Act Program budget, authorizing the submission of the Program Year 2012 Action Plan. Notice of the public hearing was duly published as required by law. Following the public hearing, consideration of a resolution authorizing same would be given (Item No. 1).

Director of Community Development Matt Jennings briefed the Board on the item as discussed at the March 27, 2012 study session. The proposed resolution authorizes

funding to various organizations as reviewed and recommended by the Community Development Advisory Committee (CDAC).

There being no individuals present to address the board, Mayor Sanders closed the public hearing.

Hutching, seconded by Tyler, moved adoption of the resolution. The members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given No. R-72-12.

Mayor Sanders extended appreciation to the members for their service on the Community Development Advisory Committee (CDAC).

The Mayor 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.

With regard to the time limit policy for persons wishing to address the Board, the Mayor communicated that five (5) minutes per side would be granted for 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. 2 was an ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith *(Land Use Chart relative to Belle Grove Historic District)*

Director of Development Services Wally Bailey briefed the Board on the item advising the proposed ordinance amends only the land use chart (Appendix A) of the Unified Development Ordinance. The proposed amendments are offered due to a recent analysis of land uses within the Residential Historic (RH) zoning district (also

known as the Belle Grove Historic District) as it relates to permitted (P) and conditional (C) land uses. The Fort Smith Historic District Commission and Planning Commission have reviewed the proposed amendments and both unanimously recommend approval.

Good, seconded by Tyler, 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. Settle, seconded by Hutchings, 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. 29-12.

Item No. 3 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 *(900 North 12th Street and 2124 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.

The following individual was present to address the Board:

- Carolyn Plank
  Fort Smith, AR

Re: Spoke in favor of the demolition at 900 North 12th and further requested the privacy fence be included in the demolition. She also advised the yard is overgrown and requested such be inspected for possible violations.

Director Settle inquired if fence removal is included within the proposed demolition for 900 North 12th Street.

Building Official Jimmie Deer advised the fence is not currently included; however, the property owner will be advised of the request. The property owner has indicated insurance funds have now been received, as well as his desire to proceed with the demolition as soon as possible. With regard to overgrowth noted by Ms. Plank; Neighborhood Services personnel has already posted the property for such and the property owner has been duly notified of the violation.

Director Good expressed gratitude to the Building Department for continued contact with the property owners while awaiting funds from the insurance company.

Settle, seconded by Good, 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 Good, 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. 30-12.

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

A. Resolution to accept the bids an authorize a contract for the construction of Drainage Improvements, Project No. 11-06-A *($1,099,485.30 / Engineering Department / Budgeted – Sales Tax Program)*

B. Resolution to accept the bids and authorize contracts for the construction of Fort Smith Levee Improvements, Project No. 11-06-D *($1,844,420.50 / Engineering Department / Budgeted – Sales Tax Program Fund)*

C. Resolution authorizing Change Order No. 1 with VEI General Contractors, Inc. for the "P" Street Wastewater Treatment Plant Wet Weather Improvements RAS Pump Station No. 2 and Sludge Storage Tank Rehabilitation *($2,358.00 / Utility Department / Budgeted – 2009 Sales Tax Bond)*

D. Resolution accepting the project as complete and authorizing final payment to VEI General Contractors, Inc. for "P" Street Wastewater Treatment Plant Wet Weather Improvements RAS Pump Station No. 2 and Sludge Storage Tank Rehabilitation *($120,586.00 / Utility Department / Budgeted – 2009 Sales Tax Bond)*

E. Resolution authorizing acquisition of real property interests for the Highway 71 Interchange 12-Inch Water Line Relocation Project *($3,651.00 / Utility Department / Budgeted – 2008 Revenue Bonds)*

F. Resolution authorizing the Mayor to execute an agreement with Atkins Engineering, Inc. for engineering services associated with the 24-Inch Water Transmission Line - Edwards Street *($116,430.00 / Utility Department / Budgeted – 2008 Revenue Bonds)*

G. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Diamond Construction Company for the 24-Inch Water Transmission Line - Edwards Street *($1,586,646.00 / Utility Department / Budgeted – 2008 Revenue Bonds)*

H. Resolution authorizing the Mayor to execute an agreement with CDM Smith, Inc. for providing engineering services associated with the Wastewater Management Plan update *($358,892.00 / Utility Department / Budgeted – 2010 Sales Tax Bonds)*

Regarding Items No. 4A & 4B, Director Tyler questioned the ability of Crawford Construction to manage both projects.

Director of Engineering Stan Snodgrass provided confirmation of such citing Item No. 4B includes several sub-contractors to help facilitate the work.

Regarding Item No. 4B, Director Catsavis questioned if funding is from the Street Sales Tax Program, whereby Mr. Snodgrass responded "yes".

Administrator Gosack advised the city attorney's have opined that levee improvements may be funded with street, bridge and drainage sales tax monies.

Hutchings, seconded by Merry, 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-73-12 through R-80-12 respectively.

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

Mayor Sanders

Re: 1. Advised April is National Child Abuse Prevention Month. On April 28 the University of Arkansas Fort Smith will be hosting "Speak Up Speak Out" event with activities for the whole family.

2. Extended condolences to the Thames and Harper Families on their recent loss.

Director Settle

Re: Encouraged citizens to wear blue to show support for the National Child Abuse Prevention Month.

Director Merry

Re: Encouraged citizens to participate in the "Greater Arkansas Cleanup" event on April 21, which will be hosted by Beautify Fort Smith.

Director Good

Re:

1. Reminded the city has a program in place for low income residents or families to apply for discounted utilities services.

2. Offered a motion to include a review of the proposal to build, operate and manage a sports complex on Riverfront Drive on the April 10, 2012 study session agenda. Such requires two (2) directors for agenda placement; therefore, Director Weber seconded the motion.

3. Conveyed appreciation to Director of Community Development Matt Jennings for frequent updates on David Smith, an employee who recently had heart surgery.

Administrator Gosack

Re: Advised a signup sheet is available for citizens who would like to receive the City of Fort Smith's monthly e-newsletter.

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

ANIMAL SERVICES ADVISORY BOARD

Veterinarian
Jon Remer, DVM
Term expires April 3, 2014

Non-Profit Animal Interest Group
Cheryl Gilmore
Term expires April 3, 2013

Settle, seconded by Good, moved adoption of the resolution. The members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given R-81-12.

Item No. 5 was a resolution affirming appointments and making additional appointments to the Animal Services Advisory Board.

Administrator Gosack announced the appointment of Greg Riley to Director of Streets and Traffic Control effective April 9, 2012; therefore, the Board would now consider Item No. 6 confirming such.

Settle, seconded by Hutchings, moved adoption of the resolution. The members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given R-82-12.

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

- Elizabeth Mayo
  Fort Smith, Arkansas

  Re: Due to the point of order asserted at the March 20, 2012 regular meeting, she stated her belief that citizens freedom and rights are being eroded in the country, as well as in the City of Fort Smith.

There being no further business to come before the Board, Settle 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 at 6:53 p.m.

APPROVED:

Sandy Sanders

Mayor

ATTEST:

Sheri Gard

City Clerk