

**MINUTES OF BOARD OF DIRECTORS REGULAR MEETING**

**TUESDAY ~ APRIL 17, 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 Reverend John Treude of Our Redeemer Lutheran Church, 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 and Kevin Settle; absent - Director Philip H. Merry, Jr. The Mayor declared a quorum present.

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

The minutes of the March 20, 2012 regular meeting was presented for approval. Settle, seconded by Hutchings, 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, 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. 1 was an ordinance authorizing issuance of Sales and Use Tax Refunding and Improvement Bonds, Series 2012 for the purpose of financing and refinancing all or a portion of the cost of capital improvements; pledging collections of a 0.75% Sales and Use Tax to pay the principal of and interest on the bonds; prescribing other matters relating thereto; and declaring an emergency.

### ***April 17, 2012 Regular Meeting***

Deputy Administrator Jeff Dingman briefed the Board on the item. The proposed ordinance authorizes the issuance of \$109,350,000 in sales and use tax bonds to fund specific refunding and capital projects approved at the March 13, 2012 special election, i.e. refinance existing debt, wet weather sanitary sewer improvements, water transmission improvements, fire service improvements and an aquatics center. The bonds were offered for sale on Monday and Tuesday, April 16 and 17, whereby all bonds were sold.

Director Settle expressed much appreciation to the voters of Fort Smith for approval of all items on the March 13, 2012 special election. He also conveyed much gratitude to City staff, the Mayor and Board for their efforts to promote all projects on the ballot and stated, *"let's get the ball rolling"* and *"keep moving Fort Smith forward."*

Settle, seconded by Tyler, moved to suspend 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 members present all voting affirmatively, the Mayor declared the motion carried; therefore, the City Clerk read the ordinance for its readings. Hutchings, seconded by Settle, moved adoption of the ordinance. The members present all voting affirmatively, the Mayor declared the motion carried. Settle, seconded by Tyler, moved adoption of Section 29, the emergency clause. The members present all voting affirmatively, the Mayor declared the motion carried and the ordinance and emergency clause were adopted with the ordinance given No. 31-12.

Mayor Sanders reminded all who wish to address the Board of Directors during the meeting, and have not already done so, to swiftly complete a speakers card and provide to the City Clerk.

Item No. 2 was an ordinance repealing and replacing Section 2-44(b) of the Fort

**April 17, 2012 Regular Meeting**

Smith Municipal Code (Citizens Forum) ~ *Tyler/Weber placed on agenda at the April 10, 2012 study session* ~

City Administrator Ray Gosack briefed the Board advising the proposed ordinance removes the Citizens Forum and replaces it with an informal town hall meeting to be held following adjournment of regular board meetings on the first Tuesday of each month. The informal town hall meeting will allow dialogue between citizens and Board members about issues of concern to citizens. Matters requiring follow-up will be referred to the City Administrator and scheduled for consideration at a future board meeting, if necessary.

The following individual was present to address the Board:

- David Harris  
Fort Smith, Arkansas

Re: Advised he's aware the proposed was drafted to mirror Fayetteville; however, he advised Fayetteville's town hall meetings are televised.

Director Tyler questioned the format of the town hall meeting, specifically if Board members will go the floor to allow citizens to address the Board individually or collectively. He also inquired if a time limit per citizen would be established.

Although not confirmed, Administrator Gosack anticipated and recommended the Board go to the floor and be seated in a semi-circle. Such will provide a less formal setting, but allow citizens to address the Board collectively.

Hutchings, seconded by Weber, moved to amend the ordinance to include a five (5) minute time limit per citizen at the town hall meeting, with the understanding that Directors and/or the City Administrator will speak to the individual immediately following the meeting, if requested.

**April 17, 2012 Regular Meeting**

Prior to the vote, Director Good inquired if individuals may request additional time to address the Board.

Mayor Sanders clarified the town hall meeting will be informal; however, he announced, with Board concurrence, that additional time may be granted if the Board so desires.

At the inquiry of Director Tyler and additional concurrence of the Board, it was determined that Mayor Sanders will chair the town hall meeting.

The motion remaining the floor and the members present all voting affirmatively, the Mayor declared the motion carried.

Weber, seconded by Hutchings, moved adoption of the ordinance as amended. 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. Settle, seconded by Tyler, moved adoption of Section 2 the emergency clause. The members present all voting affirmatively, the Mayor declared the motion carried and the ordinance and emergency clause were adopted and given No. 32-12.

Item No. 3 consisted of the following items regarding reinstatement of televised meetings of the Board of Directors ~ *Hutchings/Catsavis placed on agenda at the April 10, 2012 study session* ~

- A. Resolution regarding televising of Board of Directors meetings
- B. Ordinance authorizing the appropriation of funds from the unreserved balance of the general fund

**April 17, 2012 Regular Meeting**

- C. Ordinance adopting policies and procedures for operation of the City of Fort Smith Government Access Channel and repealing Ordinance No. 9-12

Administrator Gosack briefed the Board on the item as discussed at the April 10, 2012 study session, at which the Board determined to resume televising Board meetings and for the City to bare the expense. Legislation required to implement and resume televised are as follows:

- 3A. Directs the City Administrator to take all actions necessary to resume televised meetings, provide for live internet streaming, provide for live audio broadcast on KFPW radio, and that rebroadcast of the meetings on the Government Access Channel will not be edited.
- 3B. Appropriates necessary funds for production services for the remainder of 2012.
- 3C. Amends the policies and procedures for the Government Access Channel to address televised meetings, as well as retention of video recordings.

777 Productions, who provided production services for all previously televised Board meetings, has indicated they're available to resume services beginning at the May 1, 2012 regular meeting. The necessary agreement with 777 Productions has been prepared and will be executed upon approval of the proposed items.

Director Settle questioned if live streaming on the City's website and live radio broadcast remain viable options.

Administrator Gosack advised live streaming on the website requires access to the signal provided by CoxCom, LLC. Notification was received today that Cox will not allow their signal to be rebroadcast on the website. Their concern is that once the signal is broadcast on the internet, such becomes public domain; therefore, anyone could then

***April 17, 2012 Regular Meeting***

retransmit the same signal at any time without proper authorization from Cox. Staff is currently reviewing other options to provide live streaming on the City's website; however, utilizing the Cox system is no longer a viable option.

With regard to live audio broadcast on KFPW radio, representatives from Cox and KFPW are discussing the matter; therefore, a determination is anticipated in the near future.

Catsavis, seconded by Settle, moved adoption of Item No. 3A. The members present all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given No. R-83-12.

Hutchings, seconded by Settle, moved adoption of Item No. 3B. The members present all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given No. 33-12.

Settle, seconded by Good, moved adoption of Item No. 3C. The members present all voting affirmatively, the Mayor declared the motion carried. Good, seconded by Hutchings, moved adoption of Section 3 the emergency clause. The members present all voting affirmatively, the Mayor declared the motion carried and the ordinance and emergency clause were adopted and given No. 34-12.

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

- A. Resolution authorizing the Mayor to execute a fiber optics network franchise agreement with Windstream Communications, Inc.
- B. Resolution authorizing additional work and a time extension for the construction of the Garrison Avenue Streetscape, North 9th Street - North 13th Street, Project No. 09-90-B, Job 040545

**April 17, 2012 Regular Meeting**

*(\$51,455.00 / Engineering Department / Budgeted - 4111-301  
Downtown Development Fund)*

- C. Resolution authorizing a change order for the construction of Street Overlays / Reconstruction, Project No. 11-03-D *(\$3,314.88 / Engineering Department / Budgeted - Sales Tax Program Fund)*
- D. Resolution accepting completion of and authorizing final payment for the construction of Street Overlays / Reconstruction, Project No. 11-03-D *(\$35,914.58 / Engineering Department / Budgeted - Sales Tax Program Fund)*
- E. Resolution approving automobile and property insurance coverage for the City's fleet and buildings for 2012-2013  
*~ Board placed on agenda at the March 27, 2012 study session ~*
- F. Resolution authorizing the execution of a Memorandum of Understanding between the City of Fort Smith, Arkansas and the City of Alma, Arkansas, concerning mobile data support
- G. Resolution authorizing the execution of a Memorandum of Understanding concerning mobile data support between the City of Fort Smith, Arkansas and the University of Arkansas Fort Smith
- H. Resolution authorizing the Mayor to execute an authorization with Brixey Engineering & Land Surveying for engineering services for the Neighborhood Water System Improvements - Jack Freeze Service Area *(\$107,076.25 / Utility Department / Budgeted - 2008 Revenue Bonds)*
- I. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Forsgren, Inc. for construction of the Neighborhood Water System Improvements - Jack Freeze Service Area *(\$1,040,933.31 / Utility Department / Budgeted - 2008 Revenue Bonds)*
- J. Resolution authorizing the Mayor to execute an implementing agreement with the Arkansas Department of Environmental Quality for the Arkansas Brownsfield Program for the Zero Street Pump Station Wet Weather Improvements

Regarding Item No. 4B, Director Settle conveyed no opposition to the item, but

### **April 17, 2012 Regular Meeting**

extended much appreciation to Director of Engineering Stan Snodgrass and Downtown Development Coordinator Jayne Hughes for their joint cooperation of the project.

With regard to Items No. 4E and 4J, the following individual was present to address the Board:

- David Harris  
Fort Smith, Arkansas

- Re:
1. Regarding Item No. 4E, he expressed concern the \$100,000 liability limit per occurrence is inadequate and recommended the City require at least \$500,000.
  2. Regarding Item No. 4J, he spoke in opposition to the City paying slightly over the appraised value for polluted property citing it's "*not a good use*" of taxpayer dollars, especially when a suitable site is only a block away.

Hutchings, seconded by Settle, moved adoption 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-84-12 through R-93-12 respectively.

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

- ▶ Director Weber

Re: The Great Arkansas Cleanup event, hosted by Beautify Fort Smith, is Saturday, April 21. Volunteers will meet at Southside High School at 8:00 a.m. and then disperse throughout the city. A hot dog cookout will also be held at 11:00 a.m.

- ▶ Director Settle

Re: Announced "Step Up, Speak Out", an event in observation of Child Abuse Awareness Month, will be held from 11:00 a.m. to 2:00 p.m., Saturday, April 28 at the University of Arkansas Fort Smith campus

**April 17, 2012 Regular Meeting**

- ▶ Director Catsavis

Re: Requested an item be placed on the April 24, 2012 study session agenda to discuss the automated refuse program in Park Hill North and South. Such requires two (2) Board members for placement; therefore, Director Tyler offered the required second and the item was placed on the upcoming study session agenda.

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

**HOUSING ASSISTANCE BOARD**

John P. Ross

Term expires April 30, 2013

**OUTSIDE AGENCY REVIEW PANEL**

Amy Manley (reappointment)

Term expires March 31, 2014

Settle, seconded by Catsavis, moved acceptance of all appointment nominations.

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 in the Citizens Forum, Mayor Sanders communicated that two (2) minutes will be allotted to each person wishing to speak.

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

- Rosemary Wingfield  
Fort Smith, Arkansas

Re: Alleged residents of Park Hill North and South are very upset their neighborhoods were not included in the recent decision to return to manual sanitation collection in the alleyway in Park Hill East. She urged the Board to "grandfather" Park Hill North and South into their recent decision so they will not be required to participate in upcoming surveys for automated sanitation service.

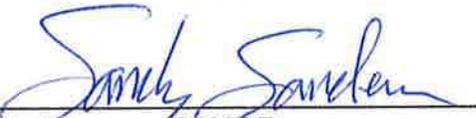
**April 17, 2012 Regular Meeting**

- E. A. Mayo  
Fort Smith, Arkansas

- Re:
1. Spoke in favor of the reinstatement of televised meetings alleging such will not only improve the behavior of speakers, but the Board as well.
  2. Alleged she has been treated "grossly" while addressing the Board and suggested if the City will offer \$150,000 for her residence, she will move to northwest Arkansas.

There being no further business to come before the Board, Settle moved that the meeting adjourn. The motion was seconded by Hutchings and the members present all voting aye, the Mayor declared the motion carried, and the meeting stood adjourned at 6:43 p.m.

**APPROVED:**

  
\_\_\_\_\_  
**MAYOR**

**ATTEST:**

  
\_\_\_\_\_  
**CITY CLERK**