

MINUTES OF BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ SEPTEMBER 18, 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 Pastor Kevin Wright of Ninth Street Church of Christ, 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 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. There was none presented.

The minutes of the September 4, 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 place and time set for a public hearing to close, vacate and abandon a portion of undeveloped North "J" Street right-of-way. Notice of the public hearing had been duly published as required by law. Following the public hearing, consideration of an ordinance authorizing same would be given (Item No. 1).

Director of Development Services Wally Bailey briefed the Board on the item advising such is per the petition of Andy Knox, owner and agent for Ronald S. Brasuell and David and Gale Beckman. The purpose of the requested right-of-way abandonment will allow the property owners to fence the area and utilize such in connection with a future business at 1213 North 32nd Street. All property owners within 300 feet of the subject right-

September 18, 2012 Regular Meeting

of-way, as well as appropriate City departments and franchise utilities have been notified of the proposed abandonment with no objections received.

There being no individual present to speak, Mayor Sanders closed the public hearing.

Settle, 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. Tyler, 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. 71-12.

Item No. 2 was an ordinance amending Chapter 2, Article III of the Fort Smith Municipal Code regarding Initiative and Referendum ~ *Hutchings/Settle placed on agenda at the September 11, 2012 study session* ~

City Clerk Sherri Gard briefed the Board on the item advising several amendments are included in the proposed ordinance; however, most are merely to ensure language is consistent with the Arkansas Constitution and applicable state statutes. The most notable amendments relate to extending the filing deadline when said deadline falls on a weekend or holiday recognized by the City of Fort Smith; clarifying that the ballot title must be submitted as a separate document along with the petition; and, the elimination of any requirement for Board action when the City Clerk has determined a petition to be sufficient for placement on a municipal election ballot. The only time Board action may be required

September 18, 2012 Regular Meeting

is when a referendum petition is determined to sufficient and the petitioner specifically requests a special election, but the date selected does not adhere to current election procedures. The Board would then be required to correct such and set an appropriate date for the requested special election.

Settle, seconded by Hutchings, 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 Weber, moved adoption of Section 6 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. 72-12.

The Consent Agenda (Item No. 3) was introduced for consideration, the items being as follows:

- A. Resolution adopting annual audit requirements and retaining BKD, LLP as external auditors
- B. Resolution authorizing the Mayor to execute an electric utility easement to Arkansas Valley Electric Cooperative
- C. Resolution approving an architectural service agreement with MAHG Architecture, Inc. for architectural services related to improvements in the City's ten (10) existing fire stations (\$81,515.00 / Fire Department / Budgeted - 2012 Sales Tax Bonds)
- D. Resolution accepting the bid for the replacement of rail crossing on Navy Road and South 7th Street (\$86,625.00 / Engineering Department / Budgeted - Sales Tax Program Contingency Fund)

September 18, 2012 Regular Meeting

- E. Resolution authorizing the Mayor to execute an agreement and Authorization No. 1 with Morrison Shipley Engineers to design the replacements for Lift Stations 15, 16 and 17 (\$90,000.00 / Utility Department / Budgeted - 2012 Sales Tax Bonds)

- F. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Axioo Construction, Inc. for the Zero Street Pump Station Wet Weather Improvements - Site Remediation (\$635,408.00 / Utility Department / Budgeted - 2012 Sales Tax Bonds)

With regard to Item No. 3A, the following individual was present to address the Board:

- Matthew Garner
Fort Smith, Arkansas

Re: Due to recent increases of financial scandals nationwide, the Public Company Accounting Oversight Board (PCAOB) recommends audit firms be rotated. Although no opposition to BKD, LLC was expressed, he urged the Board to consider such during audit firm selection in the future.

Settle, seconded by Hutchings, moved adoption of all consent agenda items, with the exception of Item 3D which had been removed from consideration. The members all voting affirmatively, the Mayor declared the motion carried and the resolutions were adopted and numbered R-203-12 through R-207-12 respectively.

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

- ▶ Mayor Sanders

Re: 1. Reminded all of "Paint the Park Pink" will occur at 10:00 a.m., Saturday, September 22 on the University of Arkansas Fort Smith campus; therefore, he encouraged all to attend.

September 18, 2012 Regular Meeting

2. Announced a nine-member delegation from the city of Jining, China will visit Fort Smith on Wednesday, October 3rd. Jining, China is the home of Confucius; therefore, the delegation has provided a Confucius exhibit whereby the official opening of the exhibit and reception will be held from 6:00 p.m. to 7:00 p.m. at the Convention Center.

▶ Director Settle

- Re:
1. Regarding the recent performance of The Blue Man Group at the Convention Center, he stated such was “amazing”; therefore, he extended much appreciation to all involved in promoting the event.
 2. Reiterated the Mayor’s remarks regarding “Paint the Park Pink” and also encouraged all to attend.
 3. Announced September is *National Preparedness Month*; therefore, he encouraged all citizens to be prepared for any type of disaster. Due to such, he requested staff schedule a disaster training course for the Board of Directors, Administration and City Department Heads, and recommended such be scheduled after the upcoming general election so new Board members may participate.

▶ Director Weber

- Re: Announced Beautify Fort Smith will host a cleanup event on October 20th. She encouraged residents to volunteer for the event. Interested participants should meet at 8:00 a.m. on said date at Martin Luther King, Jr. Park whereby supplies will be provided.

▶ Director Merry

- Re: 1. Advised he will be out of town the week of September 24; therefore, will not attend next week’s study session.

September 18, 2012 Regular Meeting

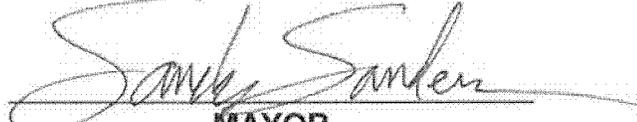
2. Extended much appreciation to the Fort Smith Fire Department and all involved for the recent 9-11 Ceremony at the Fire Station No. 1.
3. Announced Christmas Honors is fast approaching; therefore, the work day is scheduled for Friday, December 7th at the convention center and wreath placement will occur the morning of December 8th.

▶ **Administrator Gosack**

Re: Announced the 2013 Budget hearings are scheduled for mid-November; however, an update on the 2013 Budget is scheduled for the September 25th study session.

There being no further business to come before the Board, Settle 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 meeting stood adjourned at 6:25 p.m.

APPROVED:


MAYOR

ATTEST:


CITY CLERK