

MINUTES OF BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ OCTOBER 2, 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 Fred Donahue of Freedom Temple 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, 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 18, 2012 regular meeting were presented for approval. Settle, seconded by Merry, moved approval of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

Mayor Sander extended a heartfelt welcome to members of the Citizens Academy and Leadership Fort Smith, who were in attendance.

Item No. 1 consisted of an Oath of Office Ceremony for Fire Marshal Ronnie Rogers, who was appointed to the State Fire Prevention Commission by Governor Mike Beebe. The Oath was administered by District Judge David Saxon.

Item No. 2 was an ordinance rezoning identified property and amending the zoning map *(from Not Zoned to Transitional (T) by classification located at 8900 Massard Road)*.

Director of Development Services Wally Bailey briefed the Board on the item advising such is per the request of the Mike Richards, City of Fort Smith Fire Chief. The

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purpose of the rezoning is to allow for the construction of a 12,540 square foot fire station (Fire Station No. 11) with associated parking and maneuvering areas. A neighborhood meeting was held on August 15, 2012 with no objections conveyed. The Planning Commission held a public hearing on September 11, 2012 with no individual present to speak in opposition. The Planning Commission approved the rezoning request by a vote of eight (8) in favor and zero (0) opposed. The Chaffee Crossing Design Review Committee has also reviewed and approved the associated development plan.

Settle, seconded by Weber, 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 and the ordinance was adopted and given No. 73-12.

Item No. 3 was an ordinance approving development plan and rezoning identified property and amending the zoning map (*from Not Zoned to Commercial Employment Mixed Use (CEMU) by classification located at 7900 Collier Street*).

Mr. Bailey briefed the Board on the item advising such is per the request of Tony Leraris, agent for Phil and Janice Taylor. The purpose of the rezoning request is to allow for the development of a multi-purpose building for the owners personal use and storage of boats and other items. The aforementioned use complies with the Chaffee Crossing Redevelopment Plan Future Land use Plan. A neighborhood meeting was held on August 7, 2012 with no objections conveyed. The Planning Commission held a public

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hearing on September 11, 2012 with no individual present to speak in opposition. The Planning Commission approved the rezoning request by a vote of eight (8) in favor and zero (0) opposed. The Chaffee Crossing Design Review Committee also reviewed and approved the proposed development plan.

Director Settle questioned if the surrounding properties remain unzoned.

Mr. Bailey confirmed such; however, he noted that staff has recently discussed with the Fort Chaffee Redevelopment Authority (FCRA) regarding the creation of a Master Zoning Plan for the area.

Director Good noted that several of the streets are private; therefore, the City of Fort Smith is not responsible for street maintenance. Due to such, he questioned the impact of such.

Mr. Bailey confirmed there are several internal roadways that are private streets; therefore, discussions are ongoing with the FCRA to establish a Property Owners Association to specifically identify who is responsible for maintenance of the private streets.

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 and the ordinance was adopted and given No. 74-12.

Item No. 4 was an ordinance rezoning identified property and amending the zoning map (*from Transitional (T) to Commercial Light (C-2) by extension located at 314 South 17th Street*).

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Mr. Bailey briefed the Board on the item advising such is per the request of Robert Makepeace, agent for John Canterbury. The purpose of the rezoning request is to facilitate the reuse of a vacant building as a full service bakery and confectionary shop with parking. The proposed use does not include any additions to the structure. A neighborhood meeting was held on August 15, 2012 with two (2) adjacent property owners in attendance; however, no objections were conveyed. The Planning Commission held a public hearing on September 11, 2012 with no individual present to speak in opposition. The Planning Commission approved the rezoning request by a vote of eight (8) in favor and zero (0) opposed.

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 and the ordinance was adopted and given No. 75-12.

Item No. 5 was an ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith (*Land Use Chart - Industrial Land Uses*).

Mr. Bailey briefed the Board on the item as discussed at the September 25, 2012 study session. The proposed amendments expand, broaden and add more clarity for land uses permitted in Industrial zones. The Planning Commission reviewed the proposed amendments at their September 11, 2012 meeting with no negative comments conveyed. The Planning Commission voted eight (8) in favor and zero (0) opposed to recommend to the Board of Directors for consideration.

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Director Settle noted he was surprised at the minimal Industrial-3 zoning in the city; therefore, he simply commented the City is *“doing the right thing”*.

Hutchings, seconded by Weber, 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 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. 76-12.

Item No. 6 was a resolution approving and authorizing implementation of the five-year (2013-2017) Sales Tax Program for Streets, Bridges and related Drainage Improvements, and implementation of the 2013 Sidewalk Program ~ *Hutchings/Good placed on agenda at the September 25, 2012 study session ~*

Director of Engineering Stan Snodgrass briefed the Board on the item as discussed at the September 25, 2012 study session. Such authorizes implementation of the proposed projects within the Sales Tax Program and 2013 Sidewalk Program.

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 No. R-208-12.

Item No. 7 consisted of the following ordinances levying the City's millage rates for the year 2012 (to be collected in 2013):

- A. Ordinance fixing the rate of and levying five (5.0) mills upon all taxable real and personal property in the city of Fort Smith, Arkansas for the year 2012 for general purposes

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- B. Ordinance to levy one (1) mill tax upon each dollar of assessed value of taxable real and personal property to be used for maintenance of a public-city library pursuant to the provisions of Amendment No. 30 of the Constitution of the State of Arkansas of 1874 adopted November 5, 1940, and for other related purposes
- C. Ordinance to levy one (1) mill tax upon each dollar of assessed value of taxable real and personal property for Police Retirement and Pension Fund, pursuant to the provisions of Amendment No. 31 of the Constitution of the State of Arkansas of 1874 adopted November 5, 1940, and for other related purposes
- D. Ordinance to levy one (1) mill tax upon each dollar of assessed value of taxable real and personal property for Fire Retirement and Pension Fund, pursuant to the provisions of Amendment No. 31 of the Constitution of the State of Arkansas of 1874 adopted November 5, 1940, and for other related purposes

Administrator Gosack advised the items contain no change to the existing millage rates. Upon approval, the ordinances will be certified to the Sebastian County Clerk for presenting to the Quorum Court when considering the millage for all cities in Sebastian County at their November meeting.

Settle, seconded by Merry, moved adoption of the ordinances. The motion included suspending the rule to allow the three (3) full readings of the ordinances to be by caption and for the readings to occur on the same date. The City Clerk read the ordinances for their readings and the members all voting affirmatively, the Mayor declared the motion carried and the ordinances were adopted and numbered 77-12 through 80-12 respectively.

The Consent Agenda (Item No. 8) was introduced for consideration, the items being as follows:

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- A. Resolution to accept completion of and authorize final payment for the construction of Traffic Signal Improvements, Project No. 11-09-A (\$68,870.72 / *Engineering Department / Budgeted - Sales Tax Program Fund*)
- B. Resolution to accept the bids and authorize contracts for the construction of the May Branch Outfall Culvert Replacement, Project No. 12-06-E (\$5,493,847.78 / *Engineering Department / Budgeted - Sales Tax Program Fund*)
- C. Resolution authorizing the acquisition of real property interests from David Love and Becky Love for Tract 5 of the City of Fort Smith Jenny Lind Road and Ingersoll Avenue Widening, Project No. 07-01-A, AHTD Job No. 040471 (\$1,000.00 / *Engineering Department / Budgeted - Sales Tax Program Fund*)
- D. Resolution authorizing the Mayor to execute a quitclaim deed conveying the Bailey Hill Reservoir property to the Fort Smith Housing Authority
- E. Resolution accepting bid for the purchase of a street sweeper (\$197,947.20 / *Street Maintenance Department / Budgeted - Sinking Fund*)
- F. Resolution authorizing the Mayor to execute Authorization No. 3 to the agreement with Hawkins-Weir, Inc. for engineering services for the Zero Street Pump Station Wet Weather Improvements - Site Remediation (\$210,000.00 / *Utility Department / Budgeted - 2012 Sales Tax Bonds*)
- G. Resolution authorizing the City Administrator to accept offer made by property owner for the acquisition of real property interests for the Chaffee Crossing Water Improvements (\$70,000.00 - *Utility Department / Budgeted - 2012 Sales Tax Bonds*)
- H. Resolution authorizing Amendment No. 2 to Authorization No. 2 with RJN Group, Inc. for engineering services for the South 28th Street Sewer Replacement Project (\$8,900.00 / *Utility Department / Budgeted - 2009 Sales Tax Bonds*)
- I. Resolution authorizing Change Order No. 3 with Forsgren, Inc. for the construction of the South 28th Street Sewer Replacement Project (*Adding days only*)

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- J. Resolution accepting the project as complete and authorizing final payment to Forsgren, Inc. for construction of the South 28th Street Sewer Replacement Project *(\$69,456.89 / Utility Department / Budgeted - 2009 Sales Tax Bonds)*
- K. Resolution authorizing the City Administrator to accept offer made by property owner for the acquisition of real property interests for Lake Fort Smith Water Supply Project *(\$12,500.00 / Utility Department / Budgeted - 6505 Capital Improvement Fund)*
- L. Ordinance declaring an exceptional situation waiving the requirement of competitive bidding and authorizing the purchase from Motorola Solutions, Inc. of twenty (20) new portable radios for use by the Fire Department *(\$76,049.20 / Fire Department / Budgeted - Sales Tax Revenue)*

Regarding Item No. 8B, Director Settle requested a brief explanation.

Director of Engineering Stan Snodgrass provided an overview of the project advising the May Branch drainage basin extends approximately six (6) square miles throughout the city and drains to the downtown area. As a part of the City's required levee certification evaluation, it was discovered that an approximate 1,300 feet section of the 100 year old pipe is in need of replacement as such contains significant cracks, with the potential of collapse if not repaired. The extensive replacement project is estimated to cost \$5.5 million; therefore, the cost was included budget to proceed with the necessary replacement

With regard to Item No. 8D, the following individual was present to address the Board:

- Ben Terbieten
Fort Smith, Arkansas

Re: Spoke in opposition to the proposed Housing Authority project alleging such will be detrimental to the

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neighborhood citing devaluation of property and traffic concerns. He further commented the property would be *“better off as the green space that it is.”*

Regarding Item No. 8F, the following individual was present to address the Board:

- David Harris
Fort Smith, Arkansas

Re: Conveyed opposition to the item alleging the additional funds are required solely because the Board opted to utilize a site with contaminated soil.

Settle, seconded by Tyler, moved adoption of all consent agenda items. The members all voting affirmatively, with the exception of Directors Catsavis and Merry voting “no” on Item No. 8D and Director Catsavis voting “no” on Item No. 8F, the Mayor declared the motion carried and the ordinance and resolutions were adopted with the ordinance given No. 81-12 and the resolutions numbered R-209-12 through R-219-12 respectively.

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

- ▶ Mayor Sanders

- Re:
1. Reminded all the City of Fort Smith will host a nine-member delegation from the city of Jining, China on Wednesday, October 3rd with a Confucius exhibit and reception from 6:00 p.m. to 7:00 p.m. at the Convention Center. He encouraged all residents to attend.
 2. Announced the monthly Town Hall Meeting will be held immediately following adjournment and encouraged those wishing to address the Board sign-in at the City Clerk’s desk.
 3. Extended a very “Happy Birthday” to Director Weber.

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▶ **Director Weber**

- Re: 1. Reminded all that Beautify Fort Smith will host a fall cleanup event on October 20th. She encouraged residents to volunteer for the event and urged those interested in participating to meet at 8:00 a.m. on said date at Martin Luther King, Jr. Park whereby supplies will be provided. She encouraged neighbors and groups to participate.
2. Expressed concern with the recent, extensive tree removal project along Free Ferry by OG&E.

Weber, seconded by Tyler, moved that an item be placed on an upcoming study session agenda to discuss tree trimming and removal policies of electric utilities, as well as discussion of options to increase the tree canopy in Fort Smith. Mayor Sanders announced the matters will be scheduled for an upcoming study session.

▶ **Director Settle**

Re: Announced the University of Arkansas Fort Smith (UAFS) has a new floor in the gymnasium and noted that UAFS has an “*awesome*” volleyball team, who are currently No. 1 in their conference. He encouraged all to support the local university and attend events at the university.

▶ **Administrator Gosack**

- Re: 1. Announced and extended congratulations to Assistant City Clerk Heather James and her husband Andy upon the birth of their first child, Abigail Leanne James, on Monday, September 24.
2. Simply reminded all that property taxes are due and payable to the Sebastian County Tax Collector on Wednesday, October 10, 2012.

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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 aye, the Mayor declared the motion carried, and the meeting stood adjourned at 6:38 p.m.

APPROVED:



MAYOR

ATTEST:



CITY CLERK