

MINUTES OF BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ NOVEMBER 6, 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 Phil Redding of River of Life 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, Pam Weber and Kevin Settle; absent - Directors George Catsavis 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 October 16, 2012 regular meeting were presented for approval. Settle, seconded by Weber, moved approval of the minutes as written. The members present all voting aye, the Mayor declared the motion carried.

Mayor Sanders presented a proclamation to City Attorney Rick Wade upon being the recipient of the Outstanding Lawyer Citizen Award. The award was granted by the Arkansas Bar Association and the Arkansas Bar Foundation in recognition of Mr. Wade's outstanding participation in and excellent performance of civic responsibilities, and for demonstrating high standards of professional competence and conduct.

Item No. 2 was presentation of proposed 2013 City Budget.

Director of Finance Kara Bushkuhl advised that copies of the proposed budget had been provided to the Mayor and Board prior to the meeting. The proposed budget is also posted on the City's website. The budget review sessions are scheduled for November 13, 15 and 19 at 6:00 p.m. each evening in the Bartlett Community Room of the Fort Smith Police Department.

November 6, 2012 Regular Meeting

Item No. 3 was an ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map (*Master Land Use Plan - General Commercial to Residential Detached; Rezoning - Commercial Heavy (C-5) and Commercial Heavy Special (C-5-SPL) to Residential Single-Family Medium High Density (RS-3) by extension located at 8750 South 36th Terrace.*

Mayor Sanders announced the applicant has requested the matter be tabled to the December 4, 2012 regular meeting.

Hutchings, seconded by Good, moved to table consideration of the proposed ordinance to the December 4, 2012 regular meeting. The members present all voting affirmatively, the Mayor declared the motion carried.

Item No. 4 was an ordinance rezoning identified property and amending the zoning map (*Not Zoned to Residential Multi-Family High Density (RM-4) by classification located at 7803, 7805, 7807 & 7809 Wells Lake Road).*

Director of Development Services Wally Bailey briefed the Board on the item advising such is per the request of Michael Johnson, agent for Bost, Inc. The purpose of the request is to facilitate the addition of two (2) new multi-family structures and to place zoning on two (2) existing multi-family structures. The neighborhood meeting was held on October 8, 2012. The Planning Commission held a public hearing on October 9, 2012 with no individual present to speak in opposition. The Planning Commission approved the rezoning request by a vote of nine (9) in favor and zero (0) opposed.

Director Settle inquired if the new structures will match the existing structures.

Mr. Bailey confirmed such and noted the proposed development is in compliance with all requirements of the Chaffee Crossing and the City of Fort Smith design guidelines.

November 6, 2012 Regular Meeting

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 present all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given No. 82-12.

Item No. 5 was a resolution of the Board of Directors of the City of Fort Smith certifying local government endorsement of business to participate in the Tax Back Program (as authorized by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003) (*Arkansas Refrigerated Services, Inc.*).

Deputy City Administrator Jeff Dingman briefed the Board on the item advising such is per the request from the Arkansas Economic Development Commission and the Fort Smith Regional Chamber of Commerce on behalf of Arkansas Refrigerated Services, Inc. Participation in the Tax Back Program allows for new or expanding businesses to request refunds of sales taxes paid on building materials, new equipment and other eligible expenses incurred due to construction and/or expansion. Arkansas Refrigerated Services, Inc. plans to update its facility and equipment to be more energy efficient. Such is an anticipated investment of over \$2.5 million and will employ twenty (20) additional employees.

The following individual was present to address to the Board:

- David Harris
Fort Smith, Arkansas

Re: Noted the subject facility is located directly across the street from the site of the U.S. Marshals Museum; therefore, he expressed concern with approval of the proposed expansion.

Settle, seconded by Hutchings, moved adoption of the resolution. The members

November 6, 2012 Regular Meeting

present all voting affirmatively, the Mayor declared the motion carried. Settle, seconded by Weber, moved adoption of Section 3 the emergency clause. The members present all voting affirmatively, the Mayor declared the motion carried and the resolution and emergency clause were adopted and given No. R-229-12.

The Consent Agenda (Item No. 6) was introduced for consideration, the items being as follows:

- A. Resolution authorizing the acquisition of real property interests for Jenny Lind Road and Ingersoll Avenue Widening, Project No. 07-01-A, AHTD Job No. 040471 (\$511,300.00 / Engineering Department / Budgeted - Sales Tax Program Fund)
- B. Resolution accepting bid for lighting replacement to all fire stations (\$51,235.00 / Fire Department / Not Budgeted - American Recovery and Reinvestment Act of 2009, EECBG Program)
- C. Resolution accepting bid for uniform rental services (3 year bid / Various City Departments / Budgeted - General, Street, Water & Sewer, and Sanitation Operating Funds)
- D. Resolution accepting a gift and exchange agreement with a special warranty deed with William H. Hanna for property located at Carol Ann Cross Park
- E. Resolution approving a termination agreement regarding a lease of property between the City of Fort Smith and Sebastian County Girls' Softball League, Inc.
- F. Resolution authorizing the Mayor to execute a memorandum of understanding with the National Park Service - Fort Smith National Historic Site to provide fire protection on lands within the park's boundaries
- G. Resolution authorizing the City Administrator to accept an offer made by property owners for the acquisition of easements in connection with the Lake Fort Smith 48-Inch Water Transmission Line Project (\$24,000.00 / Utility Department / Budgeted - 2008 Revenue Bonds)
- H. Resolution authorizing the Mayor to execute easements with the Department of the Army at the William O. Darby Reserve Center

November 6, 2012 Regular Meeting

- I. Resolution authorizing acquisition of easements in connection with the Lake Fort Smith 48-Inch Water Transmission Line and the Chaffee Crossing Pump Station and Force Main Projects (*\$9,300.00 / Utility Department / Budgeted - 2008 Revenue Bonds*)
- J. Resolution to accept settlement offer from a property owner for the acquisition of real property interests for the Lake Fort Smith Water Treatment Plant Improvements (*\$2,100.00 / Utility Department / Budgeted - 2008 Revenue Bonds*)
- K. Resolution authorizing the Mayor to execute Authorization No. 2 to the agreement with Mickle Wagner Coleman, Inc. for engineering services for Chaffee Crossing Water Supply Improvements - Chad Colley and Custer Boulevard Water Lines (*\$149,820.00 / Utility Department / Budgeted - 2012 Sales Tax Bonds*)
- L. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Diamond Construction Company, Inc. for Chaffee Crossing Water Supply Improvements - Chad Colley and Custer Boulevard Water Lines (*\$910,833.40 / Utility Department / Budgeted - 2012 Sales Tax Bonds*)
- M. Resolution authorizing the Mayor to execute trail and land use agreements with the Arkansas Department of Parks and Tourism in conjunction with the Lake Fort Smith State Park
- N. Resolution authorizing the Mayor to execute Amendment No. 1 to the agreement with CDM Smith, Inc. for providing engineering services for the Wastewater Management Plan Update (*\$59,925.00 / Utility Department / Budgeted - 2012 Sales Tax Bonds*)
- O. Resolution authorizing the Mayor to execute an amended agreement with Arkansas Valley Electric Cooperative Corporation and Arkansas Electric Cooperative Corporation for terms and conditions for interconnection and parallel operation of the Lee Creek Hydro-Generation facility

Mayor Sanders advised staff requests Item No. 6C be withdrawn from consideration to allow further discussion regarding the item.

Settle, seconded by Tyler, moved to withdrawal Item No. 6C from consideration. The

November 6, 2012 Regular Meeting

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

Regarding Item No. 6D, Director Weber extended much appreciation to Mr. William Hanna for working with the City of Fort Smith on the matter citing such will be a great asset to Carol Ann Cross Park.

Settle, seconded by Merry, moved adoption of all consent agenda items, with the exception of Item No. 6C which was withdrawn from consideration. The members present all voting affirmatively, the Mayor declared the motion carried and the resolutions were adopted and numbered R-230-12 through R-243-12 respectively.

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

► Mayor Sanders

- Re: 1. Extended much appreciation to all involved with planning the Veterans Day Parade on November 3rd at Chaffee Crossing citing such was a great success.
2. Encouraged all to attend the Veterans Day Ceremony scheduled for 2:00 p.m. on Sunday, November 11th at the National Cemetery. The free shuttle service will no longer be located at the Convention Center, but will now pickup at the Public Transit transfer station on Wheeler Avenue.
3. Announced the city of Fort Smith is one (1) of twelve (12) communities who have been recognized as a "Volunteer Community of the Year" with over 400,000 hours of volunteer service. He further extended much appreciation to Susan Petersen for gathering the required information for submission.

► Director Weber

- Re: 1. Extended much appreciation to all who participated in the Beautify Fort Smith fall cleanup event on October 20th citing approximately 1.9 tons of litter was collected. She further extended

November 6, 2012 Regular Meeting

appreciation to numerous individuals and City Departments for their assistance in the event.

2. Conveyed much gratitude to Mars Petcare for their donation of the K-9 Unit training area, as well as to Mrs. Corley for donation of vests for the K-9 Unit.

Mayor Sanders 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.

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 present all voting aye, the Mayor declared the motion carried, and the meeting stood adjourned at 6:20 p.m.

APPROVED:


MAYOR

ATTEST:


CITY CLERK