

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ JANUARY 3, 2013 ~ 6:00 P.M.

FORT SMITH PUBLIC SCHOOLS SERVICE CENTER

The meeting was called to order by Mayor Sandy Sanders, presiding. Fort Smith District Judge David Saxon administered the Oaths of Office to incoming ward directors Keith Lau, Andre' Good, Mike Lorenz and George Catsavis for the term of January 1, 2013 - December 31, 2016.

Invocation was given by Pastor Joe Taylor of Heritage Baptist Church, who also presented bibles to the Mayor, each member of the Board and City Administrator Ray Gosack, followed by the Pledge of Allegiance. On roll call the following members of the Board were present: Directors Keith Lau, Andre' Good, Mike Lorenz, George Catsavis, Pam Weber, Kevin Settle and Phillip 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 December 18, 2012 regular meeting and December 21 and 27, 2012 special meetings were presented for approval. Settle, seconded by Lorenz, moved approval of the minutes as written. The members 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, and two (2) minutes for comments only.

Item No. 1 was an ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map (*Master Land Use Plan - from*

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Not Classified to General Commercial; Rezoning - from Not Zoned to Commercial Moderate (C-3) by classification located at 8000 Zero Street)

Director of Development Wally Bailey briefed the Board on the item advising such is per the request of Pat Mickle, agent for ERC Land Development Group, LLC. The purpose of the requests is to facilitate future commercial development; however, no specific development plan has been determined to date. The Planning Commission held a public hearing on December 11, 2012 with no individual present to speak in opposition to the requests. The Planning Commission approved the Master Land Use Plan amendment and rezoning, subject to development plan approval by the Planning Commission prior to issuance of a building permit, by a vote of eight (8) in favor, zero (0) opposed and one (1) abstention (Griffin).

Weber, seconded by Catsavis, 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. 1-13.

Item No. 2 was an ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith (*Appendix A - Sexually Oriented Businesses*)

Administrator Gosack briefed the Board on the item advising Ordinance No. 85-12, adopted at the November 20, 2012 regular meeting, amended the zoning districts wherein sexually oriented businesses can be located. The proposed ordinance authorizes an amendment to Appendix A (land use matrix) of the Unified Development Ordinance so that

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such correlates with the amendments approved in November 2012. The Planning Commission reviewed the proposed amendment to the land use matrix at their December 11, 2012 meeting with no individual present to speak in opposition. The Planning Commission approved such by a vote of nine (9) in favor and zero (0) opposed.

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.

Catsavis, seconded by Settle, 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. 2-13.

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

- A. Ordinance authorizing the Mayor to execute an agreement with the U.S. Marshals Museum, Inc. for certain services for inhabitants of the City of Fort Smith
- B. Resolution to accept bid and authorize contract for the construction of Flagstone Road Extension, Phase II, Project No. 12-00-C upon concurrence of the Fort Chaffee Redevelopment Authority and receipt from Old Dominion Freight Line, Inc. of agreement to reimburse portion of project cost (\$633,501.00 / Engineering Department / Budgeted - Sales Tax Program Fund)
- C. Resolution of approval for the General William O. Darby Monument to be located at Cisterna Park
- D. Resolution accepting bids for the purchase of aggregates, sand, concrete, and asphalt concrete products for 2013 (annual bid / Various Departments)

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- E. Resolution accepting bid for the purchase of police package utility vehicles (\$295,655.60 / Police Department / Budgeted - Program 4704-301)
- F. Resolution authorizing the Mayor to execute an agreement and Authorization No. 1 with Hawkins-Weir Engineering, Inc. for the Design of the Mill Creek Interceptor Improvements - Phase II (\$178,000.00 / Utility Department / Budgeted - 2012 Sales Tax Bonds)
- G. Resolution authorizing acquisition of easements in connection with the Pump Station No. 19 Force Main Replacement Project (\$30,806.24 / Utility Department / Budgeted - 2012 Sales Tax Bonds)
- H. Resolution accepting the project as complete and authorizing final payment to Diamond Construction Company for the 24-Inch Water Transmission Line - Edwards Street (\$45,857.11 / Utility Department / Budgeted - 2008 Revenue Bonds)

Regarding Item No. 3C, Director Weber expressed appreciation to Joe and Liz Armstrong, who were in attendance, for the project to place a William O. Darby memorial at Cisterna Park. She further conveyed much hope the project will be brought to fruition in the near future.

Director Settle also conveyed much gratitude to Mr. & Mrs. Armstrong for the project and requested they bring the replica of the William O. Darby monument to the podium so the Board and those watching the meeting on the Access Channel may see the proposed statue.

Mrs. Armstrong advised the replica was not exact, but is a good indication of what the monument will look like. The actual monument is anticipated to be of similar size as the Bass Reeves statue at Pendergraft Park.

Settle, seconded by Lorenz, moved adoption of all consent agenda items. The

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members all voting affirmatively, the Mayor declared the motion carried and the ordinance and resolutions were adopted with the ordinance given No. 3-13 and the resolutions numbered R-1-13 through R-7-13 respectively.

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

▶ Mayor Sanders

- Re: 1. Announced the monthly town hall meeting will take place immediately following adjournment; therefore, he requested those wishing to address the Board in the town hall meeting to sign in at the City Clerk's desk.
2. Extended much appreciation to the convention center staff for efforts in making the New Year's Eve celebration a success.

▶ Director Weber

Re: Moved to place an item on the January 22, 2013 study session, and direct staff to invite Dr. Jerry Stewart, Chairman of the 188th/Fort Chaffee Community Council, to update the Board on the progress being made regarding the 188th Fighter Wing. The motion was seconded by Director Merry.

Because such requires only two (2) directors for placement, Mayor Sanders announced the item will be added to the January 22, 2013 study session agenda.

▶ Administrator Gosack

Re: Representatives from Girls, Inc. recently contacted the City of Fort Smith with an offer to purchase their property located on North 7th Street. The Parks Department is interested in acquiring the property with the intent of creating a public recreation center; therefore, he requested a special meeting be called immediately preceding the regularly scheduled study session at 12:00 Noon, Tuesday, January 8, 2013 to consider the matter.

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Settle, seconded by Good, moved to call said special meeting as aforementioned. The members all voting affirmatively, the Mayor declared the motion carried.

The Board convened into executive session and after reconvening, Mayor Sanders announced the following appointment nominations:

VICE-MAYOR

Director Kevin Settle *(reappointment)*
Term expires 12/31/2014

ADVERTISING AND PROMOTION COMMISSION

Director Andre' Good
(to fill the position held by Don Hutchings, who did not run for re-election)
Term is indefinite

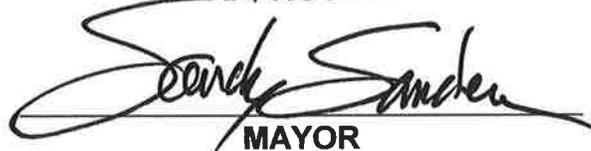
AUDIT COMMITTEE

Mike Lorenz
(to fill the position held by Don Hutchings, who did not run for re-election)
Term expires 11/30/2013

Lau, seconded by Lorenz, moved to accept all appointment nominations. The members all voting aye, the Mayor declared the motion carried.

There being no further business to come before the Board, Merry moved that the meeting adjourn. The motion was seconded by Lau, and the members all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 6:35 p.m.

APPROVED:


MAYOR

ATTEST:


CITY CLERK