

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ JANUARY 15, 2013 ~ 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 Kevin Johnson of Community Church at Chaffee Crossing, 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.

The Mayor 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 January 3, 2013 regular meeting and January 8, 2013 special meeting were presented for approval. Settle, seconded by Good, 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 Section 14-27 and adding Section 14-33 to the Fort Smith Municipal Code to authorize urban deer hunts within the city limits under specified *conditions* ~ *Settle/Lau placed on agenda at the January 8, 2013 study session* ~

Police Chief Kevin Lindsey briefed the board on the item as discussed at the January 8, 2013 study session. The Fort Chaffee Redevelopment Authority (FCRA) identified an increase in deer interaction with the general public in the Chaffee Crossing

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region. The Arkansas Game and Fish Commission (AGFC) was contacted whereby the Urban Deer Hunt Program was recommended as a practical and economical way to reduce the deer population. The program maintains multiple requirements for participation; therefore, only those who have completed all requirements and have been permitted through the AGFC will be allowed to participate. Once said permit has been issued, the prospective participant must then request a permit from the City of Fort Smith, whereby the Fort Smith Police Department will issue. Upon approval, the proposed ordinance authorizes Archery Urban Deer Hunts in certain areas of the city of Fort Smith.

The following individuals were present to address the Board:

- Rocky Walker
Fort Smith, AR

Re: Expressed concern for public safety and damage to personal property due to the abundance of deer; therefore, he urged the Board to vote in favor of the proposed ordinance.

- Jason Vaughn
Fort Smith, AR

Re: Also conveyed public safety concerns citing the Insurance Institute for Highway Safety claims deer collisions cause approximately 200 fatalities annually. Because the matter needs to be addressed and multiple precautions are in place for those participating, he also spoke in favor the item.

- Sam Phillips
Fort Smith, AR

Re: Advised he is an avid deer hunter; however, he spoke in opposition to the proposed ordinance citing some sportsmen will not follow the law. Due to such, he too expressed safety concerns for surrounding residents; therefore, he urged the Arkansas Game and Fish

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Commission introduce an existing program to sedate and relocate the deer.

- David Harris
Fort Smith, AR

Re: The ordinance identifies several locations in which no hunting will be allowed within fifty (50) yards; however, the list does not include schools or daycares. Due to such, he recommended the aforementioned areas be incorporated into the ordinance.

At the request of Director Settle, Police Chief Lindsey confirmed the following are requirements to participate in the hunt:

- ▶ Only bow and arrow hunting is allowed
- ▶ NO crossbows unless permitted because of a disability
- ▶ NO fire arms would be able to be used
- ▶ Hunting only on the outer limits of Chaffee Crossing
- ▶ Hunting only permitted from a deer stand 10 feet off the ground
- ▶ License by Arkansas Game and Fish Commission is required which includes a taking and passing an aptitude class
- ▶ Registration from the City is required
- ▶ No hunting in the inner parts of the city
- ▶ No hunting on private property unless property owner authorizes such, and permission must be on their person while hunting.

Director Catsavis advised of multiple calls expressing concern regarding the matter and feels residents are unaware of all the requirements. He also questioned who enforces the above noted regulations whereby Chief Lindsey advised the Arkansas Game and Fish Commission and the City of Fort Smith Police Department.

Catsavis, seconded by Merry, moved to table consideration of the ordinance for 90 days to allow adequate time to advise the public of all requirements for participation. The members voted as follows: ayes - Catsavis, Weber and Merry; nays - Lau, Good, Lorenz and Settle. The Mayor declared the motion defeated.

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Director Lau commented that necessary restrictions are in place that prohibit hunting from areas nears homes, trails, etc.; therefore, he conveyed no opposition to the matter.

Although opposed to tabling the matter, Director Good spoke in favor of educating the public of all the necessary requirements for participation and inquired of the best course of action to provide such information to public. He also conveyed no opposition to including schools and daycares to the list of areas in which hunting is prohibited within fifty (50) yards.

If the Board so desires, Administrator Gosack advised the City could host several public meetings to inform residents of the necessary requirements for participation and address any concerns residents may have.

Mayor Sanders questioned when the first hunt may take place.

Mr. Ralph Meeker, agent with Arkansas Game and Fish Commission, advised that upon approval, the hunt will run from the first Saturday in September 3013 through the end of January 2014. In order to provide adequate time for permitting, an agreement must be in place by mid-March.

There was much discussion with several members of the Board inquiring of specific details regarding the Urban Deer Hunt Program.

Mr. Meeker addressed each concern and provided confirmation that seven (7) cities in Arkansas currently participate in the Urban Deer Hunt Program. The AGFC does not maintain a program for relocation of deer as such results in a high deer mortality rate and has proven to be an ineffective solution to address overpopulation. Overpopulation is proven to increase the rate of disease in deer; therefore, although the AGFC does not

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formally promote the Urban Deer Hunt Program, it does recommend the program to address overpopulation and decrease the rate of disease. Several of the requirements were explained in detail to address safety concerns citing each hunter who participates must pass a bow and arrow proficiency test, must be a member of the Arkansas Bowhunters Association. He conveyed much assurance that anyone permitted by the AGFC to participate in the program has completed and passed all testing. With regard to the inclusion of schools and daycare facilities, the Urban Deer Hunt Program disallows hunting near an "occupied dwelling"; therefore, the aforementioned is already included.

Director Weber expressed great concern with the safety of surrounding residents, specifically children who reside in the area. Although she is not opposed to hunting, she is opposed to allowing an urban deer hunt in the Chaffee Crossing area. The City of Fort Smith has invested much funds to promote and create such as a recreational area; therefore, she conveyed her intent to vote against the ordinance.

Director Merry also conveyed his intent to vote against the measure alleging such is a "want and not a need."

Regarding the concerns conveyed regarding public safety, Director Lorenz conveyed much assurance that illegal hunting is already taking place in the area. The overpopulation of deer must be addressed and because of the multiple requirements for participation, he conveyed no opposition to the proposed ordinance.

Due to mention of public meetings to advise the public of all requirements for participation in the urban deer hunt, Administrator Gosack inquired if the Board desired to schedule such. The Board conveyed no interest.

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Settle, seconded by Lorenz, 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 voted as follows: ayes - Lau, Good, Lorenz and Settle; nays - Catsavis, Weber and Merry. The Mayor announced the motion did not obtain the five (5) affirmative votes required for passage on its first reading; therefore, the City Clerk read the ordinance in its entirety for its first reading. The second reading will be placed on the next regular meeting agenda, scheduled for February 5, 2013.

Item No. 2 was an ordinance amending Section 2-182 of the Fort Smith Municipal Code regarding professional services ~ *Ordinance tabled at the December 4, 2012 regular meeting; Weber/Settle placed on agenda at the January 8, 2013 study session ~*

Administrator Gosack briefed the Board on the item as discussed at the January 8, 2013 study session. Upon approval, the proposed ordinance will include acquisition and appraisal services to the list of professional services. Such will allow selection of vendors on a qualifications-based approach rather than utilizing the bid process.

Lau, 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 voted as follows: ayes - Lau, Good, Lorenz, Catsavis, Weber and Settle; nays - Merry. The Mayor declared the motion carried and the ordinance was adopted and given No. 4-13.

Item No. 3 was an ordinance ordering the owners of certain dilapidated and

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substandard structures to demolish same, authorizing the City Administrator to cause the demolition of such structures to occur, and for other purposes (4205 Mussett Road).

Administrator Gosack briefed the Board on the item advising the structure has been determined to be unsafe and detrimental to the public welfare; therefore, staff recommends approval.

Good, seconded by Lorenz, 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 Lau, moved adoption of Section 5 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. 5-13.

Item No. 4 was an ordinance authorizing the Mayor to execute agreements for certain services for inhabitants of the City of Fort Smith

Administrator Gosack briefed the Board on the item advising such represents the outside agency funding recommendations by the Outside Agency Funds Review Panel. The funding allocations were included within the previously adopted 2013 Budget; therefore, the proposed ordinance merely authorizes execution of agreements with individual agencies.

Merry, seconded by Lorenz, moved adoption of the ordinance. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given No. 6-13.

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The Consent Agenda (Item No. 5) was introduced for consideration, the items being as follows:

- A. Resolution authorizing execution of an agreement for comprehensive planning consultant services with Wallace Roberts & Todd, LLC (\$339,976.00 / *Planning Department / Budgeted - Program 4106-219; Not Budgeted - Unobligated General Fund*) ~ Settle/Lorenz placed on the agenda at the January 8, 2013 study session ~
- B. Resolution authorizing acquisition of real property interests for Jenny Lind Road and Ingersoll Avenue Widening, Project No. 07-01-A (\$186,400.00 / *Engineering Department / Budgeted - Sales Tax Program Fund*)
- C. Resolution authorizing an aerial services agreement for an aerial survey and photogrammetry services (\$448,325.71 / *Engineering Department / Budgeted - Sales Tax Program Fund*)
- D. Resolution to accept completion of and authorize final payment for the construction of Garrison Avenue Streetscape, 9th Street to 13th Street, Project No. 09-90-B (\$21,233.71 / *Engineering Department / Budgeted - Sales Tax Program Fund*)
- E. Resolution authorizing the agreement between the City of Fort Smith, Arkansas and Mercy Health, a Missouri non-profit corporation as agent for Mercy Health Fort Smith Communities, an Arkansas non-profit corporation, to jointly design, acquire easements, construct, make improvements and fund public drainage improvements and authorizing the Waldron Road Drainage Improvements, Project No. 13-06-D (\$287,500.00 / *Engineering Department / Not Budgeted - Sales Tax Program Fund*)
- F. Resolution authorizing a temporary extension of the lease agreement with the United States Coast Guard Auxiliary Flotilla 15-5 located at 3802 Grand Avenue
- G. Resolution authorizing a temporary extension of the City's contract with the Sebastian County Humane Society
- H. Resolution approving guaranteed maximum price amendment to the General Contractor Construction Manager agreement with Beshears Construction, Inc. (Fire Station No. 11) (\$3,115,556.76 / *Fire Department / Budgeted - 2012 Sales Tax Bonds & Sales Tax Program Fund*)

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Mayor Sanders advised Item No. 5F has been revised to include authorization and execution of a memorandum of understanding.

Regarding Item No. 5C, Director Catsavis questioned the necessity of the aerial survey and mapping, and if Google earth could be utilized instead.

Director of Engineering Stan Snodgrass advised the existing aerial mapping data for the city was last performed in 2003. Aerial mapping and topographical data is utilized extensively in the planning and design of public street and drainage projects, franchise/public utilities and public/private sector development projects. Since there has been significant growth since 2003, aerial mapping and topographical data needs be updated and further advised that Google earth could not be utilized in place of the aerial mapping.

Director Lau requested explanation of how the aerial mapping would benefit economic development.

Administrator Gosack advised that aerial mapping is beneficial to economic development. It is utilized significantly by site selectors to get information and characteristics of sites for development; therefore, when a city has out of date aerial mapping and topographical data, site selectors might not choose that city for development.

Regarding Item No. 5E, the following individual was present to address the Board:

- Rocky Walker
Fort Smith, AR

Re: Expressed his desire for the City of Fort Smith to maintain consistency and conveyed uncertainty with the city sharing the cost of the drainage improvements.

Director Catsavis expressed discontent with the city sharing the cost of the drainage

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improvements and requested clarification as to Mercy Health previous knowledge of the drainage issue.

Senior City Planner Brenda Andrews advised the property is properly zoned for the proposed development; however, the matter will be reviewed upon submission of the formal development plan. With regard to the knowledge of the drainage issue, she conveyed certainty that the development engineer is aware of such.

There was brief discussion whereby Directors Good and Settle expressed support of the proposed development.

Regarding Item No. 5G, the following individual was present to address the Board:

- Cheryl Gilmore
Fort Smith, AR

Re: Expressed concern with that competitive bidding was not utilized for previous contracts with the Sebastian County Humane Society (SCHS) and alleged the SCHS does not comply with regulations of Arkansas Code Section 20-19-104 regarding certification.

Settle, seconded by Lorenz, moved adoption of all consent agenda items. The motion included adoption of Item No. 5F as revised. The members all voting affirmatively, with the exception of Director Catsavis voting "no" on Item No. 5E, the Mayor declared the motion carried and the resolutions were adopted and numbered R-9-13 through R-16-13 respectively.

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

- ◆ Mayor Sanders

Re: 1. Advised United States Air Force Chief of Staff, General Mark Welsh, will visit Fort Smith on January 18th to receive a military briefing from the 188th Fighter Wing.

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2. Expressed much gratitude to Senators Inhofe, Pryor and Boozman and Congressmen Womack, Crawford, Griffin and Cotton and former Congressmen Ross for their efforts in urging General Welsh to visit Fort Smith for the briefing from the 188th Fighter Wing.

◆ Director Merry

- Re: 1. Advised the removal of wreaths at the National Cemetery, originally placed for Christmas Honors, will be held Saturday, January 19, 2013 from 8:00 a.m. to 2:00 p.m. He encouraged all those interested in helping to remove the wreaths to attend.

◆ Administrator Gosack

- Re: 1. Reiterated the importance of General Welsh's upcoming visit on January 18th. He'll be arriving at 8:30 a.m. and the 188th Fighter Wing Fort Chaffee Community Council is organizing a welcome gathering at the gate just outside the 188th Fighter Wing; therefore, he encouraged citizens to participate to show the community's support of the 188th Fighter Wing.
2. Reminded all that the January 22, 2013 study session will be held at the Janet Huckabee Arkansas River Valley Nature Center and the groundbreaking for Fire Station No. 11 will take place immediately following study session at 8900 Massard Road.

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

PARKING AUTHORITY
Linda Gurlen (reappointed)
Term expires December 31, 2017

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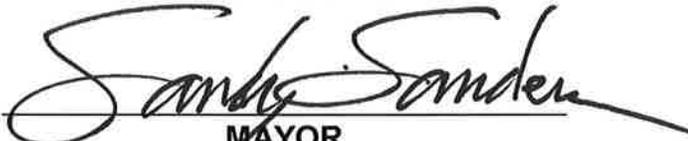
SEBASTIAN COUNTY REGIONAL SOLID WASTE MANAGEMENT BOARD

Carl Davis (reappointed)
Director Keith Lau
Terms expire January 21, 2016

Merry, seconded by Catsavis, moved adoption of 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 Settle, and the members all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 7:12 p.m.

APPROVED:


MAYOR

ATTEST:


CITY CLERK