MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ MARCH 5, 2013 ~ 6:00 P.M.

FORT SMITH PUBLIC SCHOOLS SERVICE CENTER

The meeting was called to order by Vice-Mayor Kevin Settle, presiding. Invocation was given by Reverend Shirley Harrod, Chaplain at Sparks Regional Medical Center, 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 and Kevin Settle; absent - Philip H. Merry, Jr. The Vice-Mayor declared a quorum present.

On behalf of the Board, City staff and the city of Fort Smith, Vice-Mayor Settle extended condolences to Mayor Sandy Sanders upon the passing of his mother, Ruth Sanders. A memorial service will be held on March 14, 2013 in Oklahoma City.

Vice-Mayor Settle 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 February 19, 2013 regular meeting were presented for approval. Weber, seconded by Lorenz, moved approval of the minutes as written. The members present all voting aye, the Mayor declared the motion carried.

With regard to the time limit policy for persons wishing to address the Board, the Vice-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 to prohibit the installation of groundwater wells beneath certain identified lands within the city of Fort Smith, Arkansas; declaring an emergency; and for other purposes *~ Good/Lorenz placed on agenda at the February 12, 2013 study session ~*

March 5, 2013 Regular Meeting

Vice-Mayor Settle announced that per the March 1, 2013 request of Director Lau and unanimous consent of the Board of Directors, the item had been removed from the agenda and rescheduled for consideration at the March 27, 2013 regular meeting.

Item No. 2 was an ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map *(Master Land Use Plan - Commercial Neighborhood to General Commercial; Rezoning - Commercial Regional (C-4) to Commercial Heavy (C-5) by classification located at 2501 North 50th Street)*

Director of Development Wally Bailey briefed the Board on the item advising such is per the request of Al Prieur, agent for Mark and Amy Koenigseder. The purpose of the requests is to allow the existing use to be in conformance with the zoning code. The subject location was utilized as a gasoline service station in the 70's and 80's, but has transitioned to an auto repair facility. A neighborhood meeting was held on September 4, 2012 several surrounding property owners in attendance; however, no opposition was conveyed. The Planning Commission held a public hearing on February 12, 2013 with no individual present to speak in opposition to the either of the requests. The Planning Commission amended the Master Land Use Plan and rezoning by a vote seven (7) in favor and zero (0) opposed, subject to the following:

- The letter from Mr. Al Prieur, dated January 16, 2013, which requests to rezone only the area of the property south of the southern lot line of Lot 26A, Block 3.
- Any new additions on the property will require development plan approval by the Planning Commission prior to issuance of a building permit.

The Planning Commission approved both the Master Land Use Plan and rezoning, as amended, by a vote of seven (7) in favor and zero (0) opposed.

Director Weber questioned if screening, landscaping, etc. will be required for the development.

Mr. Bailey conveyed much assurance that all development requirements, i.e. landscaping, screening, etc. will be addressed prior to issuance of a building permit.

Lorenz, 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 present all voting affirmatively, the Vice-Mayor declared the motion carried and the ordinance was adopted and given No. 13-13.

Item No. 3 was an ordinance rezoning identified property and amending the zoning map *(Not Zoned to Industrial Moderate (I-2) by classification located at 7712 Taylor Avenue)*

Mr. Bailey briefed the Board on the item advising such is per the request of Randy Coleman, agent for Fort Chaffee Redevelopment Authority. The purpose of the request is to allow the development of a chemical manufacturing company. A neighborhood meeting was held on January 31, 2013 with one (1) surrounding property owner in attendance to convey concerns relative to odors, truck traffic and delivery of raw materials whereby Mr. Coleman, agent, addressed the concerns. The Fort Chaffee Redevelopment Authority has amended the Chaffee Crossing Master Land Use Plan to accommodate the proposed development. The Planning Commission held a public hearing on February 12, 2013 with no individual present to speak in opposition. The Planning Commission approved the rezoning request by a vote of seven (7) in favor and zero (0) opposed.

Catsavis, 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 present all voting affirmatively, the Vice-Mayor declared the motion carried and the ordinance was adopted and given No. 14-14.

Vice-Mayor Settle 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.

The Consent Agenda (Item No. 4) was introduced for consideration, the items being as follows:

A. Resolution to accept the bids and authorize a contract for the construction of Drainage Improvements, Project No. 12-06-A *($675,530.85 / Engineering Department / Budgeted - Sales Tax Program)*

B. Resolution authorizing the acquisition of real property interests for Jenny Lind Road and Ingersoll Avenue Widening, Project No. 07-01-A, Job 040471 *($443,100.00 / Engineering Department / Budgeted - Sales Tax Program)*

C. Resolution approving the 2013 supplement to an agreement between the City of Fort Smith and Sebastian County regarding Ben Geren Regional Park

D. Resolution authorizing execution space use agreement with the Young Actors Guild for space on the upper level of the Convention Center Annex

E. Resolution accepting bids for the purchase of various sanitation containers *($411,352.29 / Sanitation Department / Budgeted - Capital Outlay)*

F. Resolution authorizing lease agreement with the American National Red Cross

G. Resolution authorizing the Mayor to execute Authorization No. 3 to the agreement with Mickle Wagner Coleman, Inc. for engineering services for Chaffee Crossing Water Supply Improvements - Geren Road and Massard Road Water Lines *($231,352.00 / Utility Department / Budgeted - 2012 Sales and Use Tax Bonds)*

H. Resolution accepting the bid of and authorizing the Mayor to execute a contract with M. Phillips Construction, Inc. for Chaffee Crossing Water Supply Improvements - Geren Road and Massard Road Water Lines *($4,661,851.00 / Utility Department / Budgeted - 2012 Sales and Use Tax Bonds)*

I. Resolution authorizing Amendment No. 1 to Authorization No. 3 with Morrison Shipley Engineers, Inc for engineering services for Sunnymede Basin Neighborhood and Ramsey Tributary Sewer Improvements *($33,000.00 / Utility Department / Budgeted - 2010 Sales and Use Tax Bonds)*

J. Resolution accepting the bid of and authorizing the Mayor to execute a contract with N.E.C., Inc. for River Front Development Water and Sewer Extensions Phase II *($939,980.00 / Utility Department / Budgeted - 6505 Capital Improvement Funds)*

K. Resolution accepting bids and authorizing a contract for the construction of an elevator and associated ADA facility enhancements to the transit facility located at 6821 Jenny Lind Road, Project No. 12-26 *($412,371.00 / Transit Department / Budgeted - General Fund & Federal Transit Administration 90% reimbursement)*

Vice-Mayor Settle announced that Item No. 4F had been withdrawn and will be presented for consideration at a later date.

Regarding Item No. 4C, the following individual was present to address the Board:

- Michele Walker, representing Ramsey Junior High Students
  Fort Smith, Arkansas

  Re: Commended the Board of Directors for the item and urged each to vote in favor of the resolution.

Directors Weber and Settle extended much gratitude to the students of Ramsey Junior High School for their recent letters regarding the design of the aquatic center and encouraged their continued involvement.

With regard to Item No. 4K, Director Catsavis questioned if the proposed elevator is an immediate necessity.

Director of Public Transit Ken Savage advised the regional administrator of the Federal Transit Administration visited the transit facility last year and highly recommended the project. It was determined that due to the high volume of passengers at the facility to obtain transit passes, the elevator is a definite necessity. Due to such, the regional administrator requested and obtained federal funding to cover ninety-percent (90%) of the construction cost.

Weber, seconded by Lorenz, moved adoption of all consent agenda items except Item No. 4F, which was withdrawn from consideration. The members present voted affirmatively on all items, with the exception of Item No. 4C whereby Director Catsavis voted "no". The Vice-Mayor declared the motion carried and resolutions were adopted and numbered R-35-13 through R-44-13 respectively.

Vice-Mayor Settle opened the Officials Forum with the following comments offered:

- Vice-Mayor Settle

  Re: 1. Announced a special meeting of the Board of Directors will be held at 6:00 p.m., Monday, March 11, 2013 at the Creekmore Park Community Center Rose Room to meet in executive session to consider appointments to the Comprehensive Plan Steering Committee.

  2. Reminded all that the next regular meeting of the Board of Directions is scheduled for 6:00 p.m., Wednesday, March 27, 2013 at the Fort Smith Public Schools Service Center.

3. Announced a flag raising ceremony was held today at the U.S. Marshals Museum; therefore, he extended much appreciation to the Smith Auto Group for donating the flag pole.

4. Advised the Northside High School and Southside High School girls basketball teams will compete for the state championship at 5:15 p.m., Friday, March 8th in Little Rock; therefore, he extended a heartfelt "good luck" to both teams.

5. Announced the University of Arkansas Fort Smith (UAFS) will host the Heartland Conference mens basketball tournament on March 8th and 9th at the UAFS Stubblefield Center. The UAFS mens basketball team will compete on Friday, March 8th at 7:30 p.m.. UAFS has called for a "blueout"; therefore, he urged all who plan on attending to support the team and wear blue!

6. Noted the 5th Annual Aerospace Alliance Summit will be held on Wednesday, March 7th at the convention center with an anticipated group of approximately 200 individuals, as well as numerous vendors. This is the second time the conference has been held in Fort Smith; therefore, he extended much appreciation to convention center staff for working to *"bring them back to Fort Smith."*

7. Mr. Andrew McClure recently attained the designation as an Eagle Scout through the Boy Scouts of America. His Eagle Scout Project was a display of scouting and its history, which is on currently on display at the Fort Smith Museum of History. He encouraged all to visit the museum and view the display.

- Director Weber

Re: 1. Extended appreciation to Immaculate Conception School students, who recently interviewed her and Mayor Sanders about their involvement in city government. Such was a project for the Gifted and Talented Education (GATE) Program.

2. Conveyed much gratitude to Fire Chief Mike Richards and Fire Department personnel, who successfully performed the rescue of a small child at Immaculate Conception School today.

- Administrator Gosack

Re: Announced the following recent and noteworthy accomplishments of items included in the "Progress as Promised" campaign:

1. Recent groundbreaking for Fire Station No. 11
2. Delivery of six (6) new fire apparatus
3. Construction initiated for water lines and sanitary sewer work at Chaffee Crossing
4. Consent agenda Item No. 4C regarding the aquatics center at Ben Geren Regional Park

There being no further business to come before the Board, Lorenz moved that the meeting adjourn. The motion was seconded by Good, and the members all voting aye, the Vice-Mayor declared the motion carried and the meeting stood adjourned at 6:19 p.m.

APPROVED:

MAYOR

ATTEST:

CITY CLERK