

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ APRIL 2, 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 Charles Murry of First United Methodist Church, 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 Philip 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 March 27, 2013 regular meeting were presented for approval. Lorenz, seconded by Lau, moved approval of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

Mayor Sanders recognized Bailey and Riley Palmer from Boy Scout Troop 380, who were in attendance to earn their Communication Merit Badge.

Mayor Sanders announced this was the time and place set for a public hearing regarding the Year 39 Community Development Block Grant (CDBG), the Year 20 HOME Investment Partnership Act Program Budget and authorizing the submission of the Program Year 2013 Action Plan. Notice of the public hearing was duly published as required by law. Following the public hearing, consideration of a resolution authorizing same would be given (Item No. 1).

Director of Community Development Matt Jennings briefed the Board on the item as discussed at the March 12, 2013 study session. The proposed resolution authorizes funding to various organizations as reviewed and recommended by the Community Development Advisory Committee (CDAC).

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There being no individual present to address the Board, Mayor Sanders closed the public hearing.

Weber, seconded by Lorenz, 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-52-13.

Item No. 2 was an ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith (*parking lot - offsite*).

City Administrator Ray Gosack briefed the Board on the item. The proposed is due to a recent inquiry regarding an off-site parking permit in a Transitional zoning classification. It was discovered that the Unified Development Ordinance (UDO) does not allow off-site parking lots in Transitional or Commercial-1 zoning districts, which often have single family dwellings adjacent or near businesses. The Planning Commission reviewed the proposed amendments at their March 12, 2013 meeting and unanimously approved recommendation to the Board of Directors. Upon approval, such will allow off-site parking lots as a conditional use in the Transitional and Commercial-1 zoning districts.

Director Settle requested clarification of an "off-site" parking lot.

Senior Planner Brenda Andrews advised such is a parking location, which is not located on the same lot or tract as the main use / business. An off-site parking lot must be located within three-hundred (300) feet of the business.

Lau, seconded by Settle, 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. Lorenz, seconded by Good, moved adoption of Section 3 the emergency clause. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance and emergency

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clause were adopted and given No. 17-13.

Item No. 3 was a resolution authorizing the Mayor to execute an agreement with Hawkins Weir Engineers, Inc. for providing engineering services for the Massard 48-Inch Interceptor Sewer Easement Clearing and Access Road Construction Project (*\$48,000.00 / Utility Department / Budgeted - 2008 Revenue Bonds*).

Director of Utilities Steve Parke briefed the board on the item advising the City maintains a contract with CDM Smith to update the City's 1993 Wastewater Management Plan. A component of the aforementioned contract is to investigate the condition of the Massard 48-inch interceptor sewer line, which was installed in 1965 and serves as the only link to the Massard Wastewater Treatment Plant. Such investigation indicated the overall interceptor line was in fair shape; however, three (3) segments, which total 1,817 feet in length, were rated as being in poor condition and require rehabilitation. Access to the aforementioned segments is limited due to topography and backwater from the Arkansas River; therefore, construction of an access road is required to allow the rehabilitation. Upon approval, the proposed agreement authorizes engineering services associated with the design of improvements necessary for accessing the interceptor sewer line, i.e. cleaning of the easement for conducting topographic and property surveys, soils and foundation testing, design of a gravel access road, etc.

Weber, seconded by Settle, 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-53-13.

Item No. 4 was a resolution by the City of Fort Smith Board of Directors encouraging Whirlpool Corporation and the Arkansas Department of Environmental Quality to diligently pursue remediation of pollutants in the vicinity of 6400 Jenny Road ~ *Weber / Good placed on agenda at the March 27, 2013 regular meeting ~*

Administrator Gosack briefed the Board on the item citing the proposed resolution urges

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the Whirlpool Corporation and the Arkansas Department of Environmental Quality (ADEQ) to proceed as diligently and efficiently as possible to remediate the emergency situation created by the release of pollutants, including trichloroethylene (TCE), from the Whirlpool plant located at 6400 Jenny Lind Road. At the March 27, 2013 regular meeting, concern was expressed regarding TCE vapors escaping into the air near the affected area. ADEQ indicated a computer model indicates TCE vapors are unlikely to escape; however, no actual air testing has been conducted. To provide greater assurance to nearby residents, the City has requested ADEQ perform air testing in the area. ADEQ has merely indicated their intent to discuss the request with the Whirlpool Corporation.

Upon approval of the proposed item, Mayor Sanders advised of his intent to forward copies of the resolution to Mr. Jeff Fettig, Whirlpool Corporation Chairman of the Board; Mr. Jeff Noel, Whirlpool Corporation Vice-President of Communications and Public Affairs; Mr. Stan Jorgensen, ADEQ Chairman; Ms. Teresa Marks, Director of ADEQ; and, Governor Mike Beebe.

Director Merry expressed great concern with the matter not only because of the health and safety risks for Fort Smith residents, but also noted the action taken by the Board of Directors is of utmost importance. Due to such, he urged the Board to vote in favor of the proposed resolution.

Director Settle requested a letter be composed (*for all members of the Board to sign at the April 9, 2013 study session*) requesting assistance to ensure the matter is rectified as quickly and efficiently as possible, and forwarded to the following:

- Governor Mike Beebe
- U.S. Senators Mark Pryor and John Boozman
- U.S. Congressmen Steve Womack and Tom Cotton
- State Senators Jake Files and Bruce Holland
- State Representatives George McGill, Stephanie Malone and Denny Altes

Lorenz, seconded by Settle, moved to amend the resolution to include quarterly updates

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from both the Whirlpool Corporation and ADEQ until the matter is resolved. The members all voting affirmatively, the Mayor declared the motion carried and the resolution stood amended.

Settle, seconded by Catsavis, moved adoption of the resolution as amended. The members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given No. R-54-13.

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

▶ Mayor Sanders

Re: 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.

▶ Director Weber

Re: Encouraged citizens to participate in the Spring Cleanup event on April 20, 2013 hosted by Beautify Fort Smith. Participants are asked to meet at Martin Luther King Park at 8:00 a.m. to pick up supplies for the cleanup.

▶ Director Settle

Re: Announced the month of April is National Child Abuse Prevention Month; therefore, he encouraged citizens to participate in the "Step Up, Speak Out" event scheduled for 11:00 a.m. to 2:00 p.m., Saturday, April 27th at the University of Arkansas at Fort Smith campus.

There being no further business to come before the Board, Merry moved that the meeting adjourn. The motion was seconded by Lorenz and the members all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 6:21 p.m.

APPROVED:


Mayor

ATTEST:


City Clerk