MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ JUNE 4, 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 Pastor Jerry Jennings of Mount Moriah Missionary Baptist Church, followed by the Pledge of Allegiance. On roll call the following members of the Board were present: Directors Keith Lau, Mike Lorenz, George Catsavis, Pam Weber, Kevin Settle and Philip H. Merry, Jr. The Mayor declared a quorum present. Director Andre' Good arrived during presentation of Item No. 1.

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 May 21, 2013 regular meeting were presented for approval. Settle, seconded by Lau, 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 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 consisted of items relative to an appeal of the Planning Commission's decision affirming the Planning Department's administrative determination regarding request for outdoor advertising signs *(Appeal of RAM Outdoor Advertising).*

A. Resolution approving an appeal of an administrative determination regarding Section 27-704-4 of the Unified Development Ordinance

B. Resolution affirming the action of the Planning Commission denying the appeal of an administrative determination regarding Section 27-704-4 of the Unified Development Ordinance

June 4, 2013 Regular Meeting

Director of Development Services Wally Bailey briefed the Board on item. RAM Outdoor Advertising previously applied for permits for outdoor advertising signs to be placed at 5700 and 7310 Rogers Avenue. Such permits were denied by the Planning Department per Section 27-704-4(C) of the Fort Smith Municipal Code, which permits no more than four (4) signs per mile and no signs may be placed within 1,000 feet of the an existing off site sign. The subject locations already maintain four (4) outdoor advertising signs; therefore, the Planning Department denied the permit requests. RAM Outdoor Advertising appealed the denial to the Planning Commission whereby such was considered at their April 9, 2013 meeting. The Planning Commission and upheld the Planning Department's administrative determination by a vote of eight (8) in favor and zero (0) opposed. RAM Outdoor Advertising filed an appeal of the Planning Commission decision with the City Clerk's Office on May 8, 2013; therefore, the proposed resolutions are presented for Board consideration.

The following individual was present to address the Board:

- Troy Gaston, RAM Outdoor Advertising
  Greenwood, Arkansas

  Re: Advised RAM Outdoor Advertising wishes to withdrawal the appeal for the location of 5700 Rogers Avenue, but requested the Board consider the appeal for 7310 Rogers Avenue. He noted the language in Section 27-704-4 which states, *"All measurements shall be made along a line parallel to the street and from the center of the closest support pole."* He alleged such language is "vague", provided a definition of 'parallel', and recommended adoption of Item No. 1A.

Weber, seconded by Catsavis, moved adoption of Item No. 1B. The members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given No. R-77-13.

June 4, 2013 Regular Meeting

Item No. 2 was an ordinance rezoning identified property and amending the zoning map *(from Not Zoned to Industrial Light (I-1) by classification located at 7700 Chad Colley Boulevard).*

Mr. Bailey briefed the Board on the item advising such is per the request of Travis Brisendine, agent for Umarex USA. The purpose of the rezoning is to allow for expansion of the existing Umarex USA facility and increase the number of parking spaces for employees. A neighborhood meeting was held on May 9, 2013 with only the applicant and city personnel in attendance. The Planning Commission held a public hearing on May 14, 2013 with no individual to speak in opposition to the request. The Planning Commission unanimously amended the request to make approval subject to all construction being built in accordance with the development as submitted. The Planning Commission approved the amended rezoning request by a vote of eight (8) in favor and zero (0) opposed.

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 all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given No. 24-13.

Item No. 3 was an ordinance rezoning identified property and amending the zoning map *(from Transitional (T) to Commercial Heavy (C-5) by extension located at 8100 Rogers Avenue).*

Mr. Bailey briefed the Board on the item advising such is per the request of Mike Liyeos, agent for SB Bonner Trustee, et al. The purpose of the proposed rezoning is to allow the property to be developed in a consistent manner with the surrounding land use.

The Planning Commission held a public hearing on May 14, 2013 with no individual present to speak in opposition. The Planning Commission approved the request by a vote of eight (8) in favor and zero (0) opposed.

Director Lau conveyed his intent to vote in favor of the item; however, due to the subject location being on Rogers Avenue, he expressed concern with the lack of *"inter-connectivity between the sites"*. Due to such, he recommended the Planning Commission consider requiring an inter-connectivity plan for future rezoning requests for commercial developments.

Mr. Bailey affirmed that staff considers inter-connectivity with adjoining properties with every rezoning request, especially when driveway and traffic issues are present.

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 all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given No. 25-13.

Item No. 4 was an ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith *(administrative and editorial changes)*.

Mr. Bailey briefed the Board on the item advising the proposed ordinance authorizes amendments to the Unified Development Ordinance (UDO), which are summarized as follows:

- Administrative and editorial amendments related to the recently adopted Planning Zoning District
- Provide definition of multi-family development
- Removal of temporary use permit appeal process from charts only *(process still provided in text)*

- Addition of boulevards to Industrial Design Standards
- Provide appeal process for administrative determinations by the Planning Department
- Clarify the appeal fee also includes appeals to the Board of Directors

Merry, 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. Settle, seconded by Lorenz, 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. 26-13.

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

A. Resolution accepting special warranty deeds from Sebastian County for property associated with the aquatics and softball field projects at Ben Geren Regional Park

B. Resolution authorizing execution of amendment to donation agreement *(Harry E. Kelly Park)*

C. Resolution accepting the project as complete and authorizing final payment to Forsgren, Inc. for the Sunnymede Basin Neighborhood and Ramsey Tributary Sewer Improvements *($117,987.29 / Utility Department / Budgeted - 2012 Sales and Use Tax Bonds)*

Regarding Item No. 5B, Director Settle extended appreciation to Downtown Development Coordinator Jayne Hughes for working with the Kelley family on the amendment. He further questioned if anything can be done to expand the stage.

Ms. Hughes advised the proposed amendment actually includes a provision that

allows for expansion of the stage. She also noted the placement of large screens on both sides of the stage is being considered for the future.

Director Good also conveyed appreciation to Ms. Hughes for her efforts. The existing agreement allowed the City to lease the area to only non-profit organizations; therefore, since the proposed amendment removes said restriction, he extended much gratitude that 'for profit' events may now be held in the park.

Good, seconded by Weber, moved adoption of all consent agenda items. The members all voting affirmatively, the Mayor declared the motion carried and the resolutions were adopted and numbered R-78-13 through R-80-13 respectively.

Item No. 6 was a resolution amending Resolution No. R-149-10 regarding the issuance of Industrial Development Revenue Bonds for Gerber Products Company

Administrator Gosack briefed the Board on the item advising Gerber Products Company is nearing completion of adding a cereal manufacturing line to its Fort Smith plant. In 2010, the Board of Directors passed a resolution of intent to issue industrial revenue bonds for the project and at that time, the project was estimated to cost $90 million and create 50 new jobs. Gerber now expects to invest $150 million and has added 90 new jobs. The proposed resolution merely authorizes the increase from $90 million to $150 million. Issuance of the industrial revenue bonds requires approval by the Board of Directors; therefore, an ordinance authorizing same will be presented at a future date. Gerber Products will be solely responsible for the debt service payments; therefore, the City maintains no financial obligation for the bonds.

Director Settle conveyed much optimism regarding the project citing such is *a "great opportunity"* for the City of Fort Smith to provide assistance for economic growth. He

further extended much appreciation to Gerber Products Company for their continued investment in the city.

Settle, seconded by Merry, moved adoption of the resolution. The members all voting affirmatively, the Mayor declared the motion carried. Lorenz, seconded by Settle, moved adoption of Section 2 the emergency clause. The Mayor declared the motion carried and the resolution was adopted and given No. R-81-13.

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

- Mayor Sanders

  Re: 1. Announced such was a busy week in Fort Smith and noted the following:

  - May 31: AseraCare Hospice memorial butterfly release
  - June 1: Conclusion of the Old Fort Days Rodeo
  - June 1: "Juneteenth Freedom" Banquet
  - June 2: National Cancer Survivors' Day event
  - June 3: Crawford-Sebastian Community Development Council awarded NeighborWorks Membership

  2. Announced the Fort Smith Police Department "Red Light, Stop Light" campaign will run through July 7, 2013; therefore, he urged all to be mindful of red lights.

- Director Weber

  Re: Recognized the efforts of City of Fort Smith public safety personnel, who recently provided assistance during major flooding in Scott County.

- Administrator Gosack

  Re: Regarding the comments of Director Weber, he too commended the efforts of all Fort Smith Police and Fire Department personnel, who provided search, rescue and recovery assistance during the recent flooding in Scott County that resulted in multiple fatalities.

Mayor Sanders announced the monthly Town Hall meeting will be held immediately following adjournment; therefore, he urged all who wish to participate to sign in at the City Clerk's desk.

There being no further business to come before the Board, Lau moved that the meeting adjourn. The motion was seconded by Merry and the members all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 6:32 p.m.

APPROVED:

Sandy Sanders

MAYOR

ATTEST:

Sherri Gard

CITY CLERK